

A  
Serious Admonition  
TO  
Doctor KENNET,  
IN ORDER TO  
Perswade him to forbear the Character  
OF AN  
IMPARTIAL HISTORIAN.

Illustrated with  
Numerous Instances of false Quotations, Collected  
from his Third Letter concerning Bp. Merks.

To which is added in the APPENDIX,  
A short but compleat ANSWER to Mr.  
Marshall's late Treatise, call'd *A Defence of  
our Constitution in Church and State.*

A PARALLEL is drawn between him and  
Doctor Kennet, for the Satisfaction of the Un-  
prejudic'd Reader.

---

*Utrum horum mavis accipe.*

---

By MATTHIAS EARBERY  
Presbyter of the Church of England.

---

LONDON: Printed for E. Smith, in Cornhill.  
(Price Eighteen-pence.)

*Let the world see.*

ST. JOHN'S ABBOTSTON

T.O.

DOCTOR A. L. L. L.

IN ORDER TO

publish the same to the Chapter

O.F.A.N.

THE ABBOTSTON

Illustrated with

numerous instances of false questions, collected from his third letter concerning Bp. Alcock.

To which is added in the APPENDIX

A short but complete ANSWER to Mr. Marshall's late Tracts and Sermons.



A PARALLEL is drawn between him and Doctor Knapp, for the satisfaction of the Unprejudiced Reader.

Printed by Wm. Lister at the Press of the Rev. Mr. Lister.

By MATTHIAS LARSEN,  
Pastor of the Church of England.

LONDON: Printed for E. Smith in Strand  
(1788. Eighteen pence.)





# THE P R E F A C E

**T**HE Reader will find in the following Treatise, some Curiosities of an uncommon Nature; a Brace of Authors brought upon the publick Stage of the World, like the Jackdaw in the Fable, in their Native dress, disrob'd of all the Ornaments of borrow'd Learning, sheltering themselves amongst the Croud of their Brethren of the same Species, who deride their Arrogance.

I cou'd sincerely wish Apollo wou'd erect a Court at Parnassus, for the Trial of pretended Historians, who assume that great Character, fraught with no other Merit but what Confidence and Assurance gives them. I would have a Jury of Twelve Impartial Men to sit upon their Works, and upon finding a notorious Falshood patroniz'd in the said Histories, with no other Design but to impose upon Mankind, their Sentence should be such, as the King of Sweden inflicts upon his Horses, unfit for Service: They should be dismiss'd with one of their Ears cut off, that Mankind may know them for the future where-ever they go, and that they may carry a Mark of Disgrace with them to their Graves. Moreover, such Men for the future, should not be suffer'd to write an News Paper, or Print an Advertisement, nor even tell a Story in common Conversation; till they had given sufficient Demonstration that they had forgot the Art of Lying.

Their Books should serve them for Food, it being most Reasonable that such Men should eat their own Words;  
who

*who have either wrong'd the Dead or slander'd the Living.*

*I would have also those Men stigmatiz'd by the same honourable Court, who should seek a Reputation by quoting Books they never Read; this being of the same Species with Historical lying, for the Reputation of the Dead is equally injur'd, and the Living suffer as much by being impos'd upon, and thro' their means made Fools.*

*Such Discipline is so necessary to the common Good of Literature, that Apollo cannot but highly Relish the same.*

*Whereas on the other, for want thereof, History is as much puzzled as a Chancery Suit. Bishop Merk's has been Four Years under Trial, Papers, Records have been examin'd, his Prosecutors have stuck at no Forgeries to procure his Condemnation, and have hir'd Knights of the Post to swear him out of the same: So that unless out of Charity, some Council plead his Cause gratis, he is within an Ace, notwithstanding all his Loyalty, to be condemn'd as an arrant Thief and a Rebel by a Fury pack'd for that purpose; a Fury who glory in Rebellion, and make it upon Occasions their avow'd Practice. The Bishop is by this time in ill Hands, if he be not rescu'd, his Cause is very deplorable.*

*If he could obtain a fair Trial he might be acquitted with Honour, not I think, a better Argument can be us'd against his Prosecutors, than Proof of a malicious Prosecution: 'Tis plain, the ground of all their hatred against him is pure Envy and Malice, because he made a noble Effort to restore his injur'd Sovereign, and his Enemies like the Devil, hate those Virtues they cannot Associate into their Corrupt Natures.*

*Another Argument I should use against his Enemies, is that their Evidence is Contradictory.*

*Particularly Dr. Kennet, represents Walden Archbishop of Canterbury as an Intruder, in his first Letter about Bishop Merk's, and yet according to the Principles he lays down in the Third he could be no Intruder;*  
for

for in the last Letter, he produces Arundell as an Instance of a Lay-Deprivation, to whom Walden succeeded by King Richard's Writ, and as also of his being Legally Depriv'd afterwards by Henry IV. he all along goes upon the Supposition, that Walden compleatly fill'd the See till Henry IV. made himself by force of Arms Head of the Church. However, in this he is mistaken. I urge several Reasons in this Treatise, why Walden was not look'd upon Legally to fill the See in King Richard's Reign, of which Opinion was even Wallingham, as appears in his Character of him after his Death, which is thus.

\* " In the Year 1406 (which was the Seventh of Henry IV.) Roger Walden paid the last Debt to Nature, he had gone thro' all the Varieties of Fortune, and perfectly knew her Paces, uncertain, erring and unstable as she is and ever carries counterfeit Smiles in her Face, while she inwardly bears mortal Frowns. From the lowest Degree of Poverty, he was advanced to be Treasurer of England and Archbishop of Canterbury. But what Right he could have there while Thomas Arundell was living, the World very well knows.

Another Argument I think ought to take Place with any Court of Justice, which is, that his chief Prosecutor is convicted of Forgery.

For this said Prosecutor asserts in his first Letter, that he has got by him a Register of Scrope Archbishop of

---

\* Anno Domini 1406 (qui est annus Regni Regis Henrici à conquestu quarti septimus) Dominus Rogerus de Walden debitum Naturæ solvit, qui varia fortuna vestus Expertus est sub brevi Tempore, quam sit inconstans, inferta, volubilis, ipsa errans instabilis; vaga, quæ dum stare putatur; occidit & factò, mentitur Gaudia vultu. Nempe per hanc ex pauperculo, factus est Regni Thesaurarius, & mox Cantuariensis Archiepiscopus, quo jure mundus novit vivente Thoma de Arundelia. Wallingham Hist. Ang. An. 1406. p. 416.

York,



York, in which he finds Die Dominica 19 October, 1399. That Thomas Sumasten Bishop of Carlisle did Homage to his Metropolitan of York: He says, Bishop Merk's had another Name, viz. Sumasten. So I suppose, by the Word being mention'd so twice it could be no mistake of the Printer.

But in the Third Letter to favour the Notion of the Samos Title; he has chang'd the Word Sumasten to Samosten, by a peculiar Liberty of his own. Thus it stands in his pretended extract alter'd. See Third Letter. p. 64.





A

*Serious Admonition to Dr. Kennet,  
in order to perswade him to forbear  
the Character of an impartial  
Historian.*



**D**Octor Kennet having successfully triumph'd with Two Letters under the Umbrage of Bishop *Merk's* venerable Name, (because no Man had either found Leisure or Opportunity to Answer one or the other) he expected I suppose the same Success with the Third. But I assure him, 'tis my Purpose to disappoint him once in his Life, and mortify him with evident Proofs, that he is neither the Historian, nor the Man of Integrity, he pretends to be. He has shewn an inveterate hatred against a most worthy Prelate, for no other Reason, but because he oppos'd himself with the utmost Vigour against Rebellion and Heresy. Such Conduct I must confess is sufficient to arm some of the Moderns, with the utmost Spleen and Indignation against him : His Memory must be necessarily Odious to those who value themselves upon cancelling the most serious Christian Duties, and the solemnest Obligations imaginable. Tho' surely in any other Age but this, his Ashes might have remain'd undisturb'd ; especially, if we consider his Loyalty and his Honour were highly Esteem'd even till this present Time. But his Crime in boldly standing up in Defence

of an injur'd Monarch, against a successful Tide of Tyranny and Usurpation, was unpardonable ; for this, he is the peculiar Object of Dr. *Kennet's* Envy and Spite ; for this is his Memory arraign'd and blasted by those Men, who are resolv'd never to imitate his Virtues.

But the Doctor is pleas'd to bestow much more undeserv'd Encomiums upon the Arch Heretick *Wickleffe* ; he was the Glory of the *English* Reformation, and the Honour of *Oxford* if we will believe this learned and impartial Historian. But I would ask him seriously, whether he will give it under his Hand, as his Opinion, that no Person in a mortal Sin can be Proprietor of the Goods of Life, or of being a Magistrate. This Doctrine I am sure will Vacate most of the Thrones in Christendom, and nearly affect the Doctor's peculiar Friends. But that such were the Opinions strenuously maintain'd by *Wickleffe* and his Followers, is, or shortly will be made very Evident in his Life.

The Doctor therefore need not so carefully commend such a Work to some sober Student at *Oxford*, because 'tis already done to his Hands ; nor need he so plentifully bestow his Reflections upon the Author of the Letter to the Bishop of *Ely*, as he cares very little what the Doctor, or any of his Party can say of him. But however I have Orders to acquaint the Doctor, that he wonders to find a Divine aim at a Character in the World, by Falsifications and flat Contradictions ; he desires to know how long the pretended Episcopal Churches have been Lutheran ; or whether *Wickleffe*, *Hus* and *Hierome* of *Pragne*, cou'd be call'd Lutherans : Or whether the Doctor can pretend to assert, that the Articles extracted by *Woodford* were Spurious ; whereas the *Regenwolschians*, and all *Wickleffe's* Friends esteem them highly. Such loose



Reflections do not become a Scholar, and a Man of Parts. He knows very well *Wicleffe* did maintain those pernicious Tenets, and died in their Defence.

But to return, the Doctor proceeds to tell us, that Bishop *Merks* had an Hand in extirpating the Northern Heresy, whereas that Heresy encreas'd and flourish'd upon the Ruins of Bishop *Merks* and all the Loyal Party.

The Doctor is not less Unfortunate in asserting, that our first Archbishops and Bishops were nominated and appointed by Christian Kings.

From which we must certainly draw this Conclusion ; that there could be no Christian Bishops before *Lucius's* Time, at least, who Reign'd in the Second Century ; whereas Bishops have been in *Britain* ever since Christianity was first preach'd therein ; or else we yield a very favourable Argument for Presbytery. However, the Doctor will find upon due Examination that Branch of the Regale to have taken Place in *Britain*, much later than in either the *Eastern* or *Western* Empires.

But the Doctor does not scruple to make his Tenth Page look his Eleventh in the Face, and contradict it. The Tenth tells us, that the Prior and Convent, had regularly and canonically elected *William Strickland* their Bishop, and would have adher'd to that Election, if the King and Pope had not by Collusion deprived them of that Liberty and Right.

The Eleventh Page tells us, that from the beginning the Right of the Nomination of Bishops was in the Legislative, and the Right of Investiture in the executive supreme Power.

Thus the Doctor seems to fall from his Notions, as tho' a Revolution had interven'd between his Tenth and his Eleventh Page.

Thus

Thus much I have offer'd by way of Introduction : I shall next proceed to draw a Bill of Indictment against the Doctor for flagrant and notorious Heresy and publick Falshoods.

1<sup>st</sup>, He asserts in the above Title Page, that Consecration gives no Right or Title to the Possession of a See, or any Power or Jurisdiction within that particular District. But such Power could be bestow'd by the King alone.

2<sup>dly</sup>, That Archbishops and Bishops were nominated and appointed by Christian Kings, in their supreme Councils ; by which I suppose he means their Parliaments.

3<sup>dly</sup>, The Right of nominating Bishops was in the Legislative, and the Right of Investiture in the Executive supreme Power ; by whom I suppose he means the Prince.

4<sup>ly</sup>, That the King at the Head of the Body of the Nation, did effectually deprive a criminal Bishop, without a College of Bishops or a Convocation.

These are the Articles drawn up against him, from which the following dark Consequences are deduc'd.

From the first, If Christian Bishops receive no Jurisdiction by virtue of their Consecration, nor by any other means, till the Prince conferrs it upon them : No Church Government did Commence in the World till Christian Princes began to appear. Moreover as the Apostles themselves did not pretend to infringe the natural Rights of Princes by any divine Commission ; every Act of Jurisdiction which they or their Successors perform'd was Arbitrary and Rebellious ; which Assertion is Heretical. Moreover as the Episcopal Power is exercising in Person, or transferring all the Powers of the Christian Priesthood, no such Powers could be lawfully exercis'd in the *Roman Empire till Constantine's Days.*

From

From the second, I conclude a notorious Falshood, because no Instances can be given till very lately, that Parliaments interpos'd in the Investiture of Bishops : But this Dr. Kennet insinuates, in order to weaken the Authority and Powers of our English Monarchs.

From the third, In contradiction to all he has said before, he makes the Nomination to be in the Parliament, and the Investiture in the King as the Servant of the Parliament; all which is a manifest Collusion of his own.

From the fourth, All the Power which Synods have insisted upon of punishing Bishops, is asserted meer Usurpation ; and Bishops appear at last only meer Creatures of the State.

This is sufficient to give the Reader a Specimen what the Doctor would be at, he has forgot *Cæsar* Maxim, who had rather be a little Monarch, than the second Man in *Rome*. But the Doctor would rather be a meer State Bishop, a Spiritual Machine, at the direction of an insulting Monarch, than be no Bishop at all ; or at least run the hazard of losing the beautiful Prospect, by insisting to obtain it in an honourable manner.

The Doctor proceeds in his Twelfth Page with building Castles in the Air, and forming Chimeras in his own Brain : He lays down wild Suppositions, and seems fond of encountering with his own Shadow ; he lays a Scheme of Bishops legally deprived by the Regale, and flying to *Rome* for Protection, which by degrees introduc'd Appeals to the holy See, and wrested the Power of Investiture out of the Hands of the King. But all this is an *ipse Dixit*, without any Foundation in History ; and supposes Lay-deprivations as frequent in the first Ages, as some are for having in this of ours.



I could not but observe a Reflection of an un-  
common Nature in the Thirteenth Page, tho' I am  
utterly Ignorant who the Doctor designed it for.  
He says the National Church was a deformed  
Monster, a domestick Body with a foreign Head.  
I may venture to say, that this, from any other  
Person would be look'd upon as a Reflection upon  
some of the Doctor's Friends.

The Doctor in his Twenty Second Page has  
given a fresh Opportunity to draw up a new Bill  
of Indictment against him, full of enormous Posi-  
tions: He Condemns these following Notions as  
Un-orthodox, the Offspring of Prejudice and Pa-  
sion, which are indeed Essential to the Good of  
the Church, and the common Benefit of Reli-  
gion.

1<sup>st</sup>, That the Church Regent is the College of  
Bishops, which is in plain Terms denying all E-  
piscopal Jurisdiction, and is oppos'd to the Plan  
of Church Government, which ever prevail'd in  
the Christian World.

2<sup>dly</sup>, That Christian People are bound to de-  
fend the Rights of the Church against the State  
by which if he means, that we suppose it may be  
maintain'd by force of Arms, he utters an abso-  
lute Falshood; but if he says that the Rights of  
the Church are not to be maintain'd, he puts them  
upon a lower Foot than the civil Rights of the  
People, and contradicts the very first Article of  
*Magna Charta*, viz. We have granted to God, and  
by this our present Charter have confirmed for us  
and our Heirs for ever; that the Church of En-  
gland shall be free, and shall have all her whole  
Rights and Liberties Inviolable. This Charter  
has by a certain Party been put upon the same  
Foot with the original Contract, yet the most  
manifest Violation of the Liberties of the Church

has not made such a great Impression upon the Kingly Power, as turning out the Fellow of a College.

This Charter was confirm'd by 25 *Edward I.* and by Chapter the third order'd to be read in all the Cathedral Churches twice a Year; and by Chapter the fourth the Archbishops and Bishops are to pronounce the Sentence of Excommunication against all who shou'd infringe the said Privileges. Yet wou'd this Man perswade us the Church has no Privileges of any Consequence to the State whether they are maintain'd or not.

3. It is to the great Peril of Souls, that many Christians have taken the wrong Side with the State against the Church within these Three Kingdoms, and other Reform'd Countries.

If this be a pernicious Notion, the Consequence is plain before us that every Subject is in Duty bound to sacrifice the Church to the State, and that they cannot in so doing take the wrong Side: By this time Christianity is brought to a very low Condition; she no longer flourishes than while she is in League with the State; and when she falls out with that (which she most certainly did for the first 300 Years) she becomes only a Rebellious Nufance to the Common-wealth. I confess these Concessions give us a vast Idea of a Parliament, but a very contemptible one of Religion. If a Parliament must injoin me the God I shall adore, the Christ I shall worship, and the Articles of Faith I shall believe, *Mr. Speaker* shou'd have my bended Knees in the Dirt, and my *Gloria Patri* shou'd be turn'd to a *Gloria Parlamento*. Can the Doctor face me that it is Antimonarchical and Antichristian to deny this; is it not plain he has here made his Monarch his People, and the Parliament his Christ. But the Doctor has been very unfaithful in his Representation of

Dr. *Hickes's* Passage which I shall here subjoin intire.

“ That for want of knowing and duly considering these things, many Christians, to the great Peril of their Souls, have taken the wrong Side with the Church against the State within the Roman Pale, and with the State against the Church within these Three Kingdoms and other Reform'd Countries.” This is the Doctor's intire Sentence enlarg'd upon, with all the Freedom, Candour, and Sincerity in the World; he blames both the Church and State for Encroachments upon each other, and yet is that most important Part omitted by this Man who is fond of the Character of an *Impartial Writer*. Moreover, if he had but candidly examin'd the Reverend Doctor's Papers, he might be sensible that he calls Bishops under Christ, the Church Regent, and others even Emperors, Subjects of this Church by Baptism, which surely is not excluding them from being Members thereof.

I cannot but observe the Doctor's Defect of Candour and Sincerity in another Paragraph. He tells us of some (and quotes Dr. *Hickes* at the bottom of the Page) who assert the Clergy to be the Church without the People, which is equally unfair, as to assert, that when a Man speaks of an Act of a Corporation, he excludes the People, and confines the Definition of a Corporation only to the Mayor, Aldermen and Common-Council.

But can the Doctor, with the least Grain of Modesty or Assurance, charge that Party with excluding the Laity in Communion with the Catholick Bishops from the Bosom of the Catholick Church; if he says this, he may for ought I know charge us next with being Circumcis'd, and make us Infidels or what he pleases.

The



The Doctor proceeds with a mighty Flourish upon a Remonstrance of *Richard II.* and his Lords and Commons, which perhaps is the most flagrant Instance of Prevarication that ever was known, which in Prudence cou'd be justified upon no other Supposition, but that none of his Readers understood one Word of Latin, because the very Conclusion shews, that it was no Parliamentary Remonstrance, or at least that no House of Commons had any Hand therein. Every Lord sets his Hand to the Remonstrance, whose Name in the Quotation is expressly set down by the Doctor himself; and under them are the Names of the Commoners. The Two first of whom belong'd to the King's Household.

Has the Doctor any room to assert, that the House of Commons had any Hand in this Remonstrance, or that even the Lords sign'd it in a Parliamentary Capacity; as for the House of Commons, they at that time were very young, but just hatch'd, and like Lapwings ran about with the Shell upon their Heads. Moreover I have examin'd the Records, and do not find that any Parliament was sitting at that time; the Sessions for that Year were contain'd within the Three Months of *January, February* and *March*, and consequently they cou'd not sit in *May*, which is the Date of this Declaration.

But when we have taken the Remonstrance to Pieces, what Advantage can the Doctor draw therefrom? Is there any Assertion that the Church depended upon the State, or that Bishops cou'd be depriv'd by a Lay-Power? As to the Regale, so far as 'tis founded upon the Concordate, I absolutely agree thereto, and Custom had given

---

\* Rym. Fœd. T. 7. p. 672.

our Kings a Right to present to vacant Benefices ; but such a Right determines when the Concordate expires by any Breach in the Contract ; and if the Lords and King cou'd not see how he came by this Right it was their Fault, and ought not to be drawn into President against the true Rights of the Church ; moreover, Ecclesiastical History will put this beyond Dispute, it was towards *Justinian's* Time before the Regale began to sprout, which was in the Sixth Century, before, the Emperors were contented with Pretension of another Nature, as your own Bishop *Burnet* will inform you in his Regale.

But whatever Power of Collation accru'd to our Kings by the Concordate, the Power of Deprivation is another Branch which it does not appear ever was invest'd in the Crown ; inso-much that if the State takes away the Temporal Revenues, they have no more Right so to do than to rob Churches, or commit any kind of Sacrilege ; neither in our English Church was the Collation of the Prince ever look'd upon as conferring the Spiritual Jurisdiction ; for which reason it cou'd not by them ever be taken away.

The Doctor seems to be offended with a College of Bishops and Synodical Deprivations, as tho' he had never read the Councils of *Nice*, *Constantinople* and *Sardice*, which have settled Appeals, limited the Jurisdiction of Patriarchs and Metropolitans, and settled the Laws by which Bishops are to be tried, without any Regard to the Ecclesiastical Supremacy of the Prince, or any Remonstrance from the State for their Presumption.

The Doctor however in his 24th Page upbraids Dr. *Hickes* with being Chaplain to the High Commissioner *Lauderdale*, under whose Ministry Bishops were depriv'd in King *Charles II.* Reign  
in

in *Scotland*, without any Schism following thereupon. I must confess, something too much like a Lay-deprivation did happen in that Reign; but however the manner in which it was resented, and the Compliances of the Court were Circumstances omitted by the Doctor, because they were not very favourable to his Scheme. *Burnet* Archbishop of *Glasgow* was dispossess'd of his See, and Dr. *Leighton* put in his Place; however the Regale was in some measure limited to give only the Title of Commendator to *Leighton*, till Archbishop *Burnet* was prevail'd upon to resign; but even the Resignation pleas'd not the Scottish or English Bishops, who were not quiet till the King had restor'd the Archbishop *Burnet*, see *Collier's Eccles. Hist. Vol. 2. p. 895*. As for the Doctor's Objection, that no Schism follow'd thereupon, this was no more than consistent with Primitive Custom, one or two Schismatical Acts did not immediately break Communion, the Primitive Christians began first with Remonstrances, Treaties and Efforts of Accommodation, before they intirely cut off an Offender from Communion.

The Doctor in his 25th Page is pleas'd to furnish the World with a whole Series of Insincerity and false Dealing; he has got a new Remonstrance of the Lords and Commons in Parliament, tho' as far as we can judge by the Record, if it was sign'd by the House of Lords in Parliament, the Commons as a House had no Share therein: It was sign'd by the Lords Spiritual and Temporal, and by no Commoners. The Lord *Herbert* tells us indeed it was sign'd by the Concurrence of his Subjects Spiritual and Temporal in Parliament, by whom he means the House of Lords: But however, if Dr. *Kennet* had but consulted either the Records or his Friend Bishop  
*Burnet*,



*Burnet*, he would have found my Lord *Herbert* mistaken, because no Parliament was at that Time sitting; it being prorogu'd from *June* to *October*; and therefore could not be signed in Parliament *July* the thirtieth: Moreover *Burnet* will tell him that the Paper was carried about to the respective Habitations of the Lords to be signed, and no Commoners Hand was put thereto, but such as were of the King's Household. I conclude, the Doctor has grossly abus'd either himself or the World, or both, in his two Parliamentary Remonstrances.

The Doctor is not contented with one Falshood in a Paragraph, but he presents the Reader with an whole heap of the most gross and flagrant Misrepresentations as ever appear'd in the World; he forg'd a Protestant Ministry for King *Richard II.* out of his own Brains; when he had done this, he turns this Ministry out, and brings in a Popish one, which immediately advise the King to persecute the Lollards, (faithful Protestant Subjects as they were) dispense with the Laws made against Popery, ingratiate himself with the Pope, for which he was depos'd, and so infamously ended his Reign.

But if we consult King *Richard II.*'s Reign, we shall find that this suppos'd Protestant Parliament was in the Year 1390. Nor do I know what Change was made in his Ministry till Seven Years after; during which Interval, the King, except a trifling Quarrel with the City of *London*, enjoy'd a quiet and a prosperous Reign. But Dr. *Kennet*, in his History of *England*, is pleas'd to represent *Richard* as a Prince ever Zealous for the Romish Religion; and under this suppos'd Protestant Ministry upon some Endeavours of the Lollards to get the Parliament on their Side, he came from *Ireland* on purpose to suppress them, and sent a Commission into every Shire of the Kingdom to search for all the Lollards,  
and

and commit them to Jail. But on the other Side, when the Pope in the following Year sent to desire him to repeal the Statute of *Præmunire*, it was not complied with, by which the Reader may see the King was neither a Lollard nor a Bigot to *Rome*.

But the Doctor would fain make the *Lancastrian* Revolution a religious one ; but if he speaks till Doomsday he will not be the nearer to his Point. A severe Act was made against the Lollards by *Henry IV.* in the second Year of his Reign, and he sign'd a Warrant for the Execution of *William Sauter* (a Priest once, but then a Lollard) with his own Hand. See *Dr. Kennet's History of England. Life of Henry IV. 122.*

But the Doctor to complete this Chimerical Paragraph, and I suppose with a View to a Parallel between that unfortunate Prince and King *James II.* tells us he exerted a dispensing Power to break the Laws against Popery, whereas I challenge *Dr. Kennet* to prove, that he ever so much as attempted to repeal those Acts, which were Barriers against the Encroachments of the Pope of *Rome* : Nay even the supposed slavish Parliament was open'd by the Bishop of *Exeter* Lord Chancellor, with a solemn Denuntiation that the King was subject to God alone ; Language in those Days, which sounded very harsh in *Rome* ; and was particularly us'd in the Statute of Provisors, in Opposition to the Pope.

Well, but *Henry VIII.* taking contrary Measures to *Richard II.* died in Glory. For my part, I cannot see, that any Historian abroad who valu'd his own Reputation, would give him a good Word, or that any Religion would own him ; he wanted only a Mother to rip up, to make him an exact Parallel with *Nero* for Cruelty : And if burning Protestants for not subscribing to Tran-  
sub-

Substantiation is a sign of Affection for the Protestant Faith, I have no more to say.

The Doctor is pleas'd to tell us in his Twenty first Page, that the King and Parliament are the supreme Governours of the Church; I believe he will find it very difficult to prove this from Scripture, yet to Scripture does he appeal in his Twenty Sixth Page, in opposition to Dr. *Hickes*, who, if I be not mistaken, has quoted Scripture with more Integrity, than ever Dr. *Kennet* quoted History. But to return, if Parliaments ever have been Heads of the establish'd Church, I would ask the Doctor whether a Protestant and Popish establish'd Church are subject to their proper Head the Parliament by the same Right; if he Answers in the Affirmative, this Right must be Divine, or Humane; if Divine, then a Popish Parliament has a divine Right to be Head over a Popish Church, and consequently Popery is establish'd by a divine Right: But if 'tis Humane, the same Reason holds, why the *Grand Seignior* should be Head of the *Greek Church*; the *Mogul* Head of the *English Church* in the *East Indies*; the *French King*, *Lewis XIV.* Head of the *Hugonets* in *France*; and even *Monstrum Horrendum*, the *Scarlet Whore*, as our well bred *English Fanaticks* are pleas'd to call the *Pope*, would be Head of the Protestant Church at *Avignon* or *Rome*, if some of that Religion should settle there. All this is the pure Result of the Doctor's Argument, for which the *Cham* of *Tartary*, the *Emperor* of *Fez* and *Morocco*, and all the grisly Monarchs of *Asia* and *Africa*, ought to return him Thanks; for where there is no Parliaments the Headship of the Church must descend to Horse or Man-eaters, or any else, who have the Fortune to Govern the *Tartars* or *Anthropophagi*.



I must needs say, this new Scheme of the Doctor's has brought an inundation of Lay-Elders upon the Church of *England*, unheard-of in the Apostles Days.

If *St. Paul* had been brought before a *Pagan* House of Commons, I believe he would have been so Ignorant of their Supremacy as to preach Jesus Christ, altho' they should resolve *Nemine Contradicente* He should not be preach'd.

But to return, The Doctor resumes the Story of Bishop *Merks*, and dwells with a great deal of Pleasure upon the Ruines of his Fame; he takes much pains to cavil at his Election, tho' he is at the Expence of a Contradiction to make it good; he grants by the Quotation in the Margin of the Twenty Second Page, that the King did not allow the Pope's Right to pre-elect to a See; but he confirmed what was done in relation to Bishop *Merks*, because he was a Man of Merit, submitted intirely to the King's Pleasure, and renounc'd whatsoever in the said Bull was contain'd prejudicial to his Sovereign Rights. But why should the Doctor insist upon the Election of the Chapter, when even in his very Title Page declares, that the Nomination, Election, &c. was intirely in the Hands of the King and Parliament.

Well, but nothing yet said will affect the venerable Prelate, he has yet a most bitter Catalogue of Negative Crimes; he Questions whether he ever was in his Diocess, what then, I have known a great many modern Bishops who have spent their Days in Diocesess not their own. But he left no Memorial of any Building behind him. I ask whether the present Bishop of *Carlisle*, out of all the Revenues of his Diocess, can save enough during his Life to leave the Memorial of a Pigeon House behind him when he is Dead.

However, I shall not insist much upon this Topic, a good Fame is a better Memorial than a magnificent Stone-bridge, and is more than a great many Prelates are like to leave behind them. Indeed I know one who left a sad Memorial of fleec'd Tenants and rack'd Leases; and his Successor is like to leave no other Testimony of his Ecclesiastical Charity, but a Bouflet, Sash-windows, and a Pastoral Charge.

Another unpardonable Crime was his being an able States-man, and employ'd in foreign Courts, as if this was a Qualification unknown to the modern Clergy, and to the Doctor himself; who is renown'd for the most exquisite political Divine in these Days.

The Doctor is pleas'd next to exhibit an Indictment against Bishop *Merks* for the Murther of the Duke of *Gloucester*, in which he makes too free with the *Stows Annals*. His Quotation runs thus.

“ The Duke of *Excester*, the Duke of *Surrey*,  
 “ the Earl of *Salisbury*, and the Bishop of *Carlisle*  
 “ *Thomas Merks*, had given the King Council to  
 “ put his Uncle, the Duke of *Gloucester*, to Death.  
*Stow* on the other Side, in both the Quarto and Folio Editions, stands thus.

“ Those that he would have to be tried by  
 “ Law were the Duke of *Excester*, the Duke of  
 “ *Surrey*, the Earl of *Salisbury*, the Bishop of *Carlisle*,  
 “ *and Thomas Merks*, which Five had given  
 “ the King Council to put his Uncle, the Duke  
 “ of *Gloucester*, to Death.

These Two Quotations are widely different from each other, and I cannot help observing, the Doctor has taken too much freedom with *Stow*, to correct his Writings so long after: Especially when his Patron to whom he addresses this Letter is pleas'd to say in his behalf, that he deserv'd

to be remember'd with Honour. That he travell'd on Foot through a good part of *England*, in search after the Manuscript Historians, in the Libraries of our Cathedral Churches, and was very exact and critical in his Collections ; he tells us moreover, that *Cambden* and Sir *Francis Bacon* took several things upon his single Credit. See *Nicholson's History Library* p. 12.

Besides, to clear the Character of Bishop *Merks* from any Prejudice by this Evidence, *Stow* only relates the Accusation drawn up by the Duke of *Lancaster* against these Five unfortunate Persons ; and Posterity may as well draw the like Conclusion from any Historian who should mention the Duke of *Monmouth's* abominable Charge against King *James II.* that he poison'd his Brother. The Historian may relate the Charge without being oblig'd to support the Truth of it in Person : Nor was it strange, that *Lancaster* who had broke thro' all the Ties of Honour and the Duty he ow'd his Sovereign and his Country, should be wanting to forge a scandalous Accusation against the unfortunate Monarchs most faithful Servants, a Practice common even in our own Times, and fresh in *Dr. Kennet's* Memory.

But provided the Bishop did perswade the King to cut off the Duke of *Gloucester*, I protest I would have done the same in his Place, tho' I should not advise the base cowardly manner in which it was perform'd ; nor does it appear Bishop *Merks* ever concurr'd in that part of the Story ; as for the Duke of *Gloucester* he was a Snake in the Bosome of the Royal Family, and had been a declar'd Rebel against his Nephew and his King, he was moreover at that Time fomenting Differences, in order to advance Schemes advantageous only to himself.



Thus have I clear'd Bishop *Merks* from the Appearance of any criminal Share in this Affair. The Doctor being beat off from this Scent, dwindles into a poor trifling Objection, which I was surpriz'd to find falling from his judicious Pen ; he tells us King *Richard* before he went into *Ireland*, constituted Bishop *Merks* his Executor by Will, and left him the extravagant Legacy of a Gold Cup worth Twenty Pounds, and that this Will was condemn'd in Parliament upon King *Richard's* Deposition, as ungodly and unwarrantable.

Upon the whole, Bishop *Merks* was Executor to an ungodly Will.

But why was this Will ungodly ? Because King *Richard* II. oblig'd his Successors to maintain all the Acts and Ordinances of the preceding Parliament ; whose Acts, as in his Reign, they were not repeal'd, were surely Acts of our Constitution, nor cou'd it be any Crime in the King to enforce the Obligations of those Acts. For my Part I profess, it is not well nor decent for a Bird to defile its own Nest. The Parliament for its own Honour shou'd have spar'd those Reflections.

But alas ! this Parliament so memorably blasted by the succeeding, was criminal only for its Loyalty, and bringing Traitors to condign Punishment. This was all the Fault which cou'd be alledg'd against 'em.

Another Crime was his being privy to King *Richard's* conveying the *Regalia*, and Treasures of the Crown away ; if this was a Crime, let it be wrote in Capital Letters for the Instruction of the present Age.

Page 37, 38. he quotes *Walsingham*, to prove that the Bishop of *Carlisle* was sent to extort Money

ney and oppress the People, whereas *Walsingham* does not mention one Word of the Bishop of *Carlisle* in all that Passage ; but the Doctor takes it for granted, the Bishop must have an Hand therein, because it was an odious and ungrateful Work. In short, any Man of Sense may perceive, that the Doctor has dipp'd his Pen in Gall against Bishop *Merks*, and that he has no Regard to the Ingenuity of an impartial Historian ; or what Reason had he invidiously to reflect upon *Stow's* Encomium on that Prelate for his Fidelity to *Richard II.* and call it consulting his own Safety, so that the Doctor was prepar'd, whether the Bishop had staid or run away, to cast the same Censure and mean Reflection upon him ; tho' one wou'd imagine adhering to King *Richard* in those Extremities was not the most proper means of consulting his Safety ; 'tis evident his Brethren *Lincoln* and *St. David's* had different Sentiments of that matter.

I cou'd not but smile, to find the Doctor split the Bishop of *Carlisle* in his 39th Page into Two Men, and make 'em but one at the same time, or which amounts to the same, he turns Four into Five with a juggle peculiar to him ; and, as if his Memory fail'd him, he has made another Alteration of one poor Sentence in *Stow*.

The Doctor p. 41. has found (as he pretends) a very formidable Instance of a Lay-deprivation, which indeed is the strongest against him of any in History. The Story in short was thus.

In the Year 1397. *Thomas Arundell* Archbishop of *Canterbury* (his Temporalities being Confiscated) was banish'd the Realm. This was all the Sentence he incurr'd, as may be seen in *Sir Robert Cotton's* Abridgment of the Records 21 *Richard II.* Thus the Matter rested till the Year 1398, at which time, when the Pope found that  
all

all his Intercession in behalf of *Thomas Arundell* was in vain, he Translated him to the See of *St. Andrew's* in *Scotland*, and plac'd *Roger Walden* in the See of *Canterbury*, who continued there till the *Lancastrian* Usurpation began to prosper, just before which unhappy Crisis, the Privy Council in the King's Name summon'd a Parliament, who infamously depos'd their Lawful Sovereign.

But *Dr. Kennet* has found in the Writs for summoning that Parliament, the Name of *Thomas Archbishop of Canterbury*, and not of *Roger Walden*; from whence he wou'd infer, *Roger Walden* was depriv'd and *Thomas* restor'd by a Lay-Power.

But alas! this places the Deposing Power in a Privy Council and the King, which destroys the Doctor's Notion of the Nomination and Depri-  
vation by a King and Parliament.

But rasing Names out of Writs of Summons, surely is not equivalent to blotting them out of the sacred Dipticks.

But moreover, *Thomas Arundell* does not appear to have been ever depriv'd of his Bishoprick by the King. *Sir Robert Cotton*, in his Abridgment of the Records, speaks only of the Temporalities, nor do any other Historians seem to insinuate more; and the King's Writ to invest *Roger Walden* proves, that he look'd upon *Thomas Arundell* as Archbishop till his Translation to *St. Andrew's*, (a) and *Roger Walden* was nominated by the Pope.

---

(a) Rex Escaetro suo in Comitatu Cantix salutem, cum Dominus summus Pontifex Ecclesia Cantuariensi per Translationem Thomæ nuper Archiepiscopi loci illius in Episcopum Sancti Andreæ vacante, eidem Ecclesiæ de Personâ dilecti Clerici nostri Rogeri Walden in Sacerdotio constitui providerit, ipsumque in Archiepiscopum loci illius præfecerit & Pastorem sicut per literas bullatas ipsius Domini summi Pontificis nobis inde directas nobis constat nos, &c.  
*Rymer's Fœdera* Tom. 8. p. 31.



2. *Henry IV.* and his Parliament proceeded in relation to *Thomas Arundell* as invalidly depriv'd of the Archiepiscopal See ; and therefore, as their Power encreas'd, they set aside *Roger Walden*, as having neither a Canonical nor a Legal Title to the Archbishoprick ; which Conduct is an ample Declaration, that neither King *Richard* or his Parliament, or the Intervention of the Pope cou'd deprive *Arundell* of his Archiepiscopal Rights.

Moreover, to prove beyond Dispute, that they look'd upon *Thomas Arundell* as real Archbishop of *Canterbury* during his Banishment. The Duke of *York*, the Earl of *Northumberland*, and others of the Blood of the Archbishop of *Canterbury*, pray the King that the same Archbishop might have his Recovery against *Roger Walden*, for sundry Wastes and Spoils done by the said *Roger* in the Archbishoprick aforesaid, whereto the King granted, and thanked them for their Motion ; from whence I conclude, they went upon a Supposition *Arundell's* Pretensions were good, or no Damages cou'd lie against the other on his part. The Writ for the Restitution of the Temporalities runs thus :

*Thomæ Archiepiscopo Cantuariensi totius Angliæ Primate Restitutionem omnium Temporalium Archiepiscopatus prædicti, &c.*

*Quæ in manum Domini Richardi, &c.*

*Quod quidem judicium tanquam erroneum & invalidum de assensu totius instantis Parliamenti nostri revocavimus, cessavimus & adnullavimus, &c.*

*Habenda una cum exitibus & proficuis, inde à tempore Captionis eorundem in manum dicti nuper Regis provenientes, &c.* Rymer's *Fœdera* Tom. 8. p. 96. By the last Clause we may conclude, that the Temporalities were suppos'd to have been illegally detain'd, because the Writ orders, that he shall

shall have all the Arrears from the time of their being seisd.

The Doctor having done with this noble Instance of a Lay-deprivation, returns to his old Charge against the Bishop of *Carlisle's* Speech. He shews a peculiar Pride in the Discovery of this imaginary Forgery, whereas the whole Dispute might be reduced to one single Point ; whether *Hall*, who first mention'd the Speech had good Authority for so doing, or not, of which we are intirely ignorant, and shall be till the Day of Judgment, if some Manuscript unknown does not appear to clear the Dispute.

What then has the Doctor discover'd of such vast importance ? that *Hall* liv'd in *Henry VIII's* Time, and flatter'd him, we all know ; and so has the Doctor since his Death, in saying he dy'd in Glory. But I cannot understand what Compliment such a Speech cou'd be to *Henry VIII*, in making him descend by his Father's Side from an whole Race of Usurpers. As for a Reason why the Speech might not appear till *Hall's* Time, I can inform the Doctor, 'tis his own Case ; he knows the Book of *Hereditary Right* has threatned him with an *Examen Historicum*, to expose his Forgeries and Untruths. Now suppose this shou'd lie dormant 200 Years, and then appear, it wou'd be hard to call it a Forgery. Does not the Doctor know such a Speech in the *Lancastrian* Reigns wou'd have met with a cool Reception ? it might lie dormant in *Edward IV's*, and be reviv'd in *Henry VIII's*, without any Wonder. But if *Hall* had promoted such a Speech to publick View in *Henry VII's* Reign, he wou'd have been hang'd for his Pains. He was the only Prince in the Universe more fond of an Usurping Title, than of an Hereditary one. As for the slight Character of *Hall* and *Grafton* in *Nicholson*, I did not wonder

to find it there. Such a Speech recorded, was enough to raise Prejudices against the most impartial Historian that ever set Pen to Paper.

The Doctor proceeds in his usual way to flourish upon his own Chimera's; he observes, that Sir *John Heyward*, who took the Story from *Hall*, was addicted to make Speeches, which may perhaps be very true, I do not think it worth my while to vindicate a Speech of Sir *John Heyward's*. Nor am I much concern'd, whether Bishop *Merk* made that Speech; but my Ambition is to touch Dr. *Kennet* in his *Foible*, to shew the World he has prov'd nothing fairly, and that he wants Integrity, if he does not want sufficient Powers of the Mind, to be an Historian; he urges, that Sir *John Heyward* made this Speech to oblige the Earl of *Essex*; I protest I cannot find what Benefit cou'd arise to the Earl of *Essex* from such a Speech; or that he was concern'd for the Title of the King of *Scots*. The Result of the whole Story was, the Earl of *Essex* was look'd upon at Court with a jealous Eye, and Sir *John Heyward*, being his Creature, was us'd as an Enemy to Queen *Elizabeth*, and Advantage was taken of an ungarded Compliment to crush him as a disaffected Person. I must also observe, that hitherto Dr. *Kennet* has not gain'd such mighty Advantages as to excuse his insulting Dr. *Brady* and Mr. *Collier*; the Speech may be genuine notwithstanding what he has alledg'd to the contrary; for if Sir *John Heyward* was a Maker of Speeches, so was *Livy*, yet none can detract from his Credit as an Historian, and perhaps all his Speeches were not feign'd, tho' others might be the Offspring of his own Brain. But however, Sir *John Heyward* was not the Father of this Relation, because *Hall* was before him, and it has been handed down without Question till this present time. I am not bound to answer

D

for



for the Doctor's new Lights. No Historians before his venerable self have found any Objections against the Speech ; nor has he found any tolerable one to satisfy the Reader that he has any View but Malice and the most inveterate Prejudice. He tells us, *Alphonfus a Castro* is quoted in the Speech who was not then living, which is more than he can prove ; for a Reference to an Author in the Margin may be done by a foreign Hand, without any Concurrence of the Person who made the Speech.

I must beg the Doctor's Pardon, if I tell him he wrongs Dr. *Brady* and Mr. *Collier*, in calling them Advocates for a Popish Succession, as tho' Popery was always confin'd to the Hereditary Line, and no Man could be a Protestant Prince, unless he had Pretenders before him.

The Doctor harangues upon Hereditary Right, calls it the first Plan of Nature and Reason, working together in Mankind for their Self-defence and mutual Interest, but then he puts a damnable Case afterwards, viz. if it shou'd prove unfortunate, for then it commences Tyrannical, Execrable, and all that's bad ; he fancies moreover, that all Persecution must be Popish, and that no Protestant Dead Warrants were ever sign'd, which put me in mind of *Dryden*,

*And every Loss the Men of Jebus bore,  
They still were thought God's Enemies the more.*

But to return, the Doctor seems to aim at some Advantage from the Concessions of the Author of *Hereditary Right*, that the next in Blood might be excluded by the Laws of the Country, but does it follow from thence, that they can be excluded against Law, by Mob Methods unknown to our English Constitution.

What-

Whatever Part therefore the Bishop of *Carlisle* acted, in order to restore King *Richard*, was honourable, just and worthy the Character of a Prelate, and too severe an Example to be imitated in these Days. If it was abominable and wicked to endeavour the Deposition of King *Henry*, why was not the Deposition of King *Richard* equally rebellious and wicked? Cou'd it be any immense Crime in the Bishop, to cancel an Act, which, according to the Doctor's own Confession, was rebellious, and which surely cou'd not more effectually be render'd void, than by replacing the King upon the Throne unjustly Depos'd.

The Companion of *Carlisle* in his Misfortunes was *Roger Walden*, who had the Happiness to be made a Property to the Pope; he was advanced by him to the See of *Canterbury*, purely to fill a Vacancy, and to give some degree of Reputation to his Holiness, who as fairly, when *Arundell* return'd from Banishment, left him in the Lurch, declar'd what he had done before was surreptitiously obtain'd, and compleatly restor'd his Rival to the See. Thus was *Roger Walden* left destitute; he had deserted the Diocess of *London* for the sake of the Archbishoprick; and when that was taken away, he was forc'd to make his Submission to be restor'd to *London* again.

This the Doctor calls a Lay-deprivation and Lay-restoration, tho' the State had no other Share than to take away or restore the Temporalities.

Well the Doctor says, that *Roger Walden*, in the Writ for his Commitment, was only styl'd Clerk. This either proves too much, or it proves nothing; it proves that the Episcopal Character was as compleatly taken away, as the Office of a Lord Treasurer when he resigns his Staff, consequently he ought to be Re-ordain'd when he

is Re-inflated, or Ordination is not at all necessary to a Bishop, which is the compleat levelling Scheme the Doctor had undoubtedly in his Eye.

I can easily inform the Doctor, why he is distinguish'd only by the Title of *Clericus* in the Warrant. The Bishop of *Carlisle* was in actual Possession of a See, and had consequently a Title; but *Walden* had deserted *London*, and was never look'd upon by the *Lancastrian* Party to have a Legal Possession to *Canterbury*, he was therefore destitute of a real Title.

I wou'd have the Doctor distinguish between a Lay-deprivation and a Lay-restoration. They are utterly different, the first is unlawful, and the latter if applied to a Lawful Bishop, is ever justifiable.

Thus has the Doctor proceeded according to his known Candour and Sincerity; he has oblig'd the World with Specimens of modern Industry in imposing upon our Senses, and putting the Reader to the Necessity of turning over whole Libraries to find out the Truth; but the Doctor is sure of one Point; if one Man has too much Sense to be impos'd upon, and has Opportunities to inform himself, a Thousand have not, and those serve for the Doctor's Disciples.

He begins p. 72. to take away even the Temporal Powers of Bishops, and to submit 'em to be tried by common Juries, which is a tacit Denial of their Peerage.

He insults over Dr. *Stillingfleet's* Endeavours to vindicate their just Rights, and represents his Precedents in such an unfair way as is really scandalous.

The Doctor has oblig'd the World with Precedents sufficient to prove, that Bishops ever kept up their Pretensions to all the Rights of their Peerage,



Peerage, and that some, without dispute, on the Part of the State, have been tried by their Peers.

1<sup>st</sup>, Archbishop *Becket* was tried only by his Peers, the Lords Spiritual and Temporal. See *Hollinshed* p. 11. also *Collier's Ecclesiastical History*, in which he observes that a Dispute arose, whether the Lords Spiritual or Temporal should pronounce Judgment against him, it was urged by the Lords, that the Bishops did not sit as Spiritual Judges, but as Temporal Barons. But this Instance *Dr. Kennet* is pleas'd to pass over in Silence.

2<sup>dly</sup>, *John Stratford* Archbishop of *Canterbury* is another Instance.

The account *Sir Robert Cotton* gives in his *Abridgment* of the Records is this. 15 *Edward III.*

" The same Day the King came into *St. Edward's*  
 " Chamber, commonly call'd the Chamber *de*  
 " *Pinet*, before whom all the Lords and Commons,  
 " the Archbishop of *Canterbury* humbled himself,  
 " and required his Favour, which he granted;  
 " after which the Archbishop desir'd that where  
 " he was defam'd through the Realm, that he  
 " might be arraign'd in open Parliament before  
 " his Peers.

*Dr. Kennet* to obviate this strong and unanswerable Precedent, inform'd us of two more Chimeras of his own Brain.

1<sup>st</sup>, That Commoners if impeach'd by the House of Commons had equal Privilege to be tried by the *Pares Regni*.

2<sup>dly</sup>, That Archbishop *Stratford* was impeach'd by the Commons in Parliament.

To the first I say, that this is only one of the Doctor's Notions. The House of Commons was at that Time scarce lick'd into form, and I am very sure the Doctor will find it very difficult to defend what he has said by Precedents. More-  
 over

over in this very Parliament it was pass'd into an Act that Peers impeach'd should be tried by their Peers, which insinuates that Commoners were not to be so tried.

In the second, The Doctor pretends but to one Authority of a private Historian *Birchington*, oppos'd to the antient Records and Rolls of Parliament which mention no such Thing, and even this pretended Authority may easily be detected. *Birchington* has not one Word of an Impeachment by the Commons ; but the Doctor with his usual fluency of Invention has turned the Mayor, Court of Aldermen, and Common Council, into a Committee of the House of Commons, to support this formidable Prosecution against the Archbishop. The Words in *Birchington* run thus.

“ *Et eodem Die Domini Johannes Darfy & Wil-*  
 “ *helmus Kylesby totius Discordiae incentores, coram*  
 “ *Majore, Aldermannis ac Communitate Londoniae in*  
 “ *Capitulo Westmonasteriensi Congregatis, Tractatu ha-*  
 “ *bito plures Articulos fabricarunt ; & contra eundem*  
 “ *exposuerunt Archiepiscopum, & sic contra eum di-*  
 “ *ctam civitatem Malitiose excitarent, & Die Lunae*  
 “ *sequenti ultimo Die Aprilis simili modo communitati,*  
 “ *Angliae hujusmodi Articuli per Conspirationem ut*  
 “ *praemittitur fuerant publicati : Et sic ipse Archie-*  
 “ *piscopus totius Communitatis Angliae perderet volun-*  
 “ *tatem, volentes ipsum Archiepiscopum exulem fore in*  
 “ *cordibus Anglicorum, personasque Ecclesiasticas &*  
 “ *totum populum avertere ab eodem, Birchington.*  
 “ *Wharton Anglia Sacra. Vol. i. p. 40.*

The same Day *John Darfy* and *William Killesby*, the chief Fomenters of this Quarrel ; in concert with the Mayor, Aldermen and Common Council of *London* ; fram'd and publish'd certain Articles against the Archbishop, by which means they propos'd to inflame the City against him ; And on the following Monday the last Day of April,  
 by

by contrivance, these Articles were publish'd to the view of the Commonalty, that the Archbishop might be odious in the Eyes of the People, and that the Hearts of the Ecclesiasticks and of the whole Kingdom might be turn'd from him.

Any impartial Person will be convinc'd, that nothing like an Impeachment can be concluded from hence ; but the Doctor has dress'd up the Quotation in another manner, has taken pains to Murder the Sense, he translates *Capitulum Westmonasteriense* : The House of Commons, after an arbitrary manner peculiar to himself, that he might induce the Reader to believe these Articles were fram'd in an House of Commons, or as tho' the Mayor, Aldermen and Common Council, were a Committee of an House of Commons. Next he represents *Communitas Angliæ* as the whole House of Commons, and leaves out those Sentences which indisputably explain what was meant by that Phrase, viz. *& sic contra eum dictam civitatem malitiose excitarent* ; and also, *volentes ipsum Archiepiscopum exulem fore in cordibus Anglicorum personasque Ecclesiasticas & totum populum avertere ab eodem*. All which prove that these Articles were villanous Libels dispers'd about the Streets, and no Impeachment.

This is the Doctor's Assurance, and to close up all he appeals to Record, which if it had been so plain on his Side might surely have sav'd him the Trouble of using *Birchington* with so much Barbarity.

Besides, to demonstrate beyond dispute, that no Parliamentary Impeachment was concern'd in this Affair, the House of Commons was no farther engag'd than to interceed with the King to pardon the Archbishop, and remit his Prosecution, which we may see but a few Lines farther in the same *Birchington*.

3dly, Tho-



3dly, *Thomas Arundell* was tried by his Peers, but the Doctor says it was by Impeachment of the Commons ; but as he cannot prove as I observ'd before, that this was the Right of any Commoner, that Objection has no Weight.

That the House of Lords had formerly tried Commoners in some Cases, I freely grant : But it does not follow from thence that the House of Commons had a Right to demand that Commoners by them impeach'd should be so tried ; especially when as the Doctor acknowledges an Order was pass'd 4 *Edward III.* that albeit the Lords as Judges of the Parliament in presence of the King, had taken upon them to give Judgment of such as were not Peers ; yet hereafter no Peers should be driven to give Judgment on such as were not Peers.

This was pass'd without any Exception to an Impeachment of the House of Commons. *Et quod non apparet non est.*

The Doctor indeed says it was only a temporary Order ; but what then, 'tis enough for us if it debar'd the House of Commons but one Moment. But this stale Objection stole from *Dr. Stillingfleet's* Antagonist, has been answer'd by that learned Man ; but the Answer is pass'd over by *Dr. Kennet.* An eminent Lawyer still living (says that learned Author) urg'd this as an Act of Parliament, because it is said the King in full Parliament assented to it.

The same very learned Author observes, that *Michael de la Pool* Duke of *Suffolk*, waved being tried by his Peers, and submitted to the King's Mercy. " Viscount *Beaumont* on behalf of the  
" Lords Spiritual and Temporal, and by their  
" Advice, Assent and Desire, moved the King  
" that a Protestation might be entered in the Par-  
" liament Roll, that this should not be, nor turn  
" in.

“ in Prejudice nor Derogation of them, their  
 “ Heirs, nor of their Successors, in time coming.  
 “ But that they may have and enjoy their Liber-  
 “ ties and Freedoms, in case of their Peerage,  
 “ as largely as ever their Ancestors and Prede-  
 “ cessors had or enjoy'd them before this Time.

This Protestation was evidently calculated as the Words Import ; for the Lords Spiritual as well as Temporal, as was for the Benefit of Bishops Successors, as for the Heirs of the Temporal Lords.

4thly, *Adam de Orleton* next comes under Examination, concerning whom the Doctor has acted with his usual Sincerity ; he stole a Circumstance falsely urg'd by Dr. *Stillington*'s Antagonist, and put it down as his own, without regard to the Falseness of which it was convicted by the learned Doctor : They jointly say, that after his Conviction the King did for the Reverence of his Order, remit him to the Ecclesiastical Court to be degraded, before he should receive a Capital Punishment.

To this the Bishop Answers, that he could not be delivered after Conviction to be degraded, for he was convicted unheard after the Bishops took him away, and continued with the Archbishop till he was fully reconciled to the King.

This is the Account *Walsingham* gives thereof, without any mention of a Spiritual Degradation, or delivering over to the secular Arm. The Words run thus.

“ \* In the same Parliament, to the reproach  
 “ of the Clergy and Church ; *Adam* Bishop of  
 “ *Hereford* was arrested and accused of Treason,  
 “ before

---

\* In Eodem Parlamento arrestatus fuit Adam Episcopus Herefordensis, in magnum cleri dedecus & præjudicium totius

“ before the King and all the Peers ; his Charge  
 “ was, that he had assisted several of the King’s  
 “ known Enemies with Arms, Council and Re-  
 “ lief : But he being endu’d with a share of Sense  
 “ and Experience, made no Answer to the Crimes  
 “ alledg’d against him, till frequent Importuni-  
 “ ties extorted from him these Words. My Lord  
 “ and King, (with all Respect due to a Sove-  
 “ reign) I here profess, that my Duty as a Mini-  
 “ ster and Member of the Church of God, and  
 “ my Episcopal Character, tho’ I am unworthy  
 “ thereof, will not suffer me, without the con-  
 “ sent of my Metropolitan of *Canterbury*, and of  
 “ the Pope, (whose Suffragan I am) and the leave  
 “ of my fellow Bishops ; to Answer to these im-  
 “ portant Accusations.

“ After this the Archbishop and Bishops rose  
 “ up and implor’d the Royal Clemency ; but as  
 “ their Prayers could not assuage the King’s  
 Anger,

---

totius Ecclesiæ Anglicanæ, & examinatus de proditione &  
 Crimine læsæ Majestatis, coram Rege & Proceribus u-  
 niversis, impositum nempe fuit sibi quod quosdam inimicos  
 nuncios Regios suscepisset, & fovisset in magna Copia Ar-  
 matorum & quod eis impendit auxilium, consilium & fau-  
 torem, ille vero prout erat vir maturus, & literis abun-  
 danter imbutus patienter hæc tulit ad convitia & oppro-  
 bria nihil omnino respondens, tandem pulsatus diversimo-  
 do sic ora, resolvit ; Domine Rex, (vestra Regiæ Majestatis  
 Reverentia semper salva) Ego Sanctæ Ecclesiæ Dei Minister  
 humilis, membrum ejus, & Episcopus Consecratus (licet  
 Indignus) ad tam ardua nequeo respondere nec debeo abs-  
 que Domini Cantuariensis Archiepiscopi (post summum pon-  
 tificem mei directi judicis (cujus ego sum suffraganeus) au-  
 thoritate & aliorum parium meorum Episcoporum Conni-  
 ventia vel consensu.

Quo Responso prolato, mox Archiepiscopi & Episcopi  
 omnes, & singuli qui affuerant surgentes, Regis clementiam  
 pro Collega & Coepiscopo implorabant, sed Rege tot sup-  
 plicationibus non placato aut ab ira concepta nullatenus  
 pacificato



“ Anger, the whole Clergy claim’d him as a  
 “ Member of the Church ; upon which the King  
 “ delivered him to the Custody of the Archbi-  
 “ shop of *Canterbury*, to see whether an Interval  
 “ would bring him an Answer ; a few Days af-  
 “ ter the King summoned him again, upon which  
 “ the Archbishops of *Canterbury*, *York* and *Dublin*,  
 “ with Ten other Bishops, in hast came into the  
 “ Court with the Crosses in their Hands, and  
 “ took the poor desolate deserted Prelate into  
 “ their Protection, without any Answer given to  
 “ the Indictment : They at the same Time curs’d  
 “ those who shou’d pretend to lay violent Hands  
 “ upon him. Upon this the King in a Rage or-  
 “ dered an Inquisition to be made ; and the Jury  
 “ more out of Regard to the mortal Anger of a  
 “ Monarch, than the Judgments of Heaven ;  
 “ convicted the absent Bishop as Guilty of all the  
 “ Crimes alledg’d against him. The King as tho’  
 “ the

---

pacificato totus clerus dictum Episcopum & membrum Ec-  
 clesiae vindicavit ; deliberatus est igitur Custodiae Cantu-  
 rienfis Archiepiscopi, donec Rex discerneret quando ad  
 objecta vel objicienda alias responderet, paucis exactis die-  
 bus Rex ut prius Episcopum praedictum convenit, quo ru-  
 more ad aures perlato Pontificum, Cantaurienfis, Eboracen-  
 sis & Dublinensis Archiepiscopi cum aliis decem Episco-  
 pis erectis crucibus ad locum judicii cum omni celeritate  
 venerunt, & Confratrem eorum, & Coepiscopum solum stan-  
 tem, & nimium desolatum, in suam Custodiam suscepe-  
 runt, & eum absque Responso dato cum illis protinus abdux-  
 erunt, injungentes firmiter ex parte Dei & sub poena Ana-  
 thematis Universis qui aderant, nequis in eum Manus praes-  
 sumeret injicere violentas. Quo sic abducto Rex de tanta  
 Cleri Commotus Audacia quasi ex Officio judicis, objectis  
 praecipit fieri inquisitionem, ac Jurati de Patria convocati,  
 plus Regis terrem metuentes offensam, quam sempiterni ju-  
 dicis ultionem absentem, Episcopum reum fuisse de omnibus  
 objectis Articulis praesentarunt, quod Rex ducens pro Max-

“ the highest Sentence had been pass’d upon him,  
 “ confiscated his Temporals, not sparing even  
 “ his Goods and necessary Provisions. But the  
 “ Bishop remain’d under the Protection of the  
 “ Archbishop, expecting a Reconciliation with  
 “ the King.

I observe from hence, that there is no mention of a Degradation, so likewise we may gather some Conjectures not unfavourable to our Cause. *Walsingham* tells us, the Bishop was conven’d first before all the Peers; he does not inform us to what Court he was call’d the second Time; whether it was the House of Lords or not; neither does it appear by what follows, that the Proceedings which convicted the absent Bishop did immediately take place upon his being torn away, or whether upon his not pleading, the King did not proceed afresh against him by way of a Jury, which is what *Walsingham* means by *præcepit fieri Inquisitionem*, he order’d a Jury to be impanell’d.

Some may perhaps object, that I have translated another Sentence, *viz. Rex ducens pro Maximo*, too freely, but I assure them it is my Opinion, and as such, I submitted to the Reader.

Upon the whole I conclude, Dr. *Kennet* has reap’d but small Advantage from the Bishop of *Hereford*, unless he is proud of being convicted of a notorious Falshood.

Thus have I done with Bishop *Stillingfleet’s* Precedents, on that Side of the Question he undertook to defend; I shall next return to Examin

---

imo Confiscari fecit omnes redditus, & terras suas, & quod erat intolerabilius, omnibus suis victualibus & utensilibus in plateis projectis & dispersis eum permisit inhumanite spoliari. Episcopus vero remansit sub Tutela Cantuar. Archiepiscopi, gratiam Regis expectans. *Walsingham Hist. Ang. p. 98. 99.*

what

what the Doctor has to say : He quotes the Lord *Hollis* for a Precedent of *Stephen Bishop* of *London*, who, he says was tried by a Common Jury at the King's Bench.

The Lord *Hollis* and Dr. *Kennet* deserv'd to be rank'd in the same Class ; they both here mutually conspir'd to misrepresent the Bishop of *London's* Case, who was not tried as a Criminal for High Treason, but was su'd by the King for Damages ; in that he conspir'd to bring 40 Scots into *England* to steal away *Edward II.* to the great Prejudice of the Kingdom. It was too tender a Point to make High Treason ; the Prosecution therefore was carried on more speciously, and was in effect no more than a private Suit between the Bishop and the King. See the Case in the Appendix, *Num. 2.*

The next Instance of *Thomas de Lisle* affords no Advantage to the Doctor ; it amounts only to this. The Bishop imagin'd that he ought to be tried by his Peers, and insisted upon it ; and if the Oppressions of the Times wou'd not suffer him to have that Justice, it ought no more to be drawn into Precedent, than that Trial of King *Charles I.* by a pretended High Court of Justice. Neither can any just Conclusion to the Prejudice of the Bishops be drawn from the Proceedings against Archbishop *Scroop*, if we consider the Time in which he was so us'd, was blacken'd by an Usurpation ; a Time in which Oppression and Injustice are ever Triumphant.

I must leave the Doctor here to be lash'd by another Hand, but at the same time I cannot forbear making some cursory Observations as I proceed, because 'tis impossible to help falling upon some of his Blunders or Falsifications in my way.

The



The Doctor is very angry with *Clement Maidstone*, for relating some Passages concerning Archbishop *Scroop* he does not like ; he calls 'em Tales, and blames Mr. *Collier* for depending upon his Testimony ; but if no Church-man who writes History can be depended upon, I am very sorry the Doctor engag'd in such a Work ; he says, *Clement Maidstone* was a great Worshipper of his Bones ; what then ! 'tis more than any one will be of the Doctor's when he is dead, and that's the ground of his Spite and Envy ; but however I can find no Legendary Relations in this Author, which are so extraordinary as to intirely ruin his Credit ; and after all that Dr. *Kennet* says, he may be a faithful Historian still ; neither do I find that it serv'd any Purpose to feign a Lye of a Lord Chief Justice refusing to try the Archbishop ; what Ground the Doctor has to make *Gascoine* the Judge, and *Fulthorpe* the Sheriff, is more than I can pretend to divine.\* Such Relations look more like Tales than any pronounc'd by *Clement Maidstone*, of whom even the Doctor's Patron *Nicholson* says that he was a Learned Carmelite. See *Hist. Library*, Fol. i. p. 8.

The Doctor wou'd perswade us that *Scroop* sunk under his own Guilt, and died confessing his Crimes like a Malefactor at *Tyburn*, whereas he has not even represented this Part of the Relation with Candour. 'Tis true, the Archbishop said upon his receiving Sentence, that he intended no Hurt against the Person of King *Henry*, which was spoke like a Christian ; but (b) at his

---

\* That *Fulthorpe* was a Judge is evident from the Writs of Summons to Parliament.

(b) Omnipotens Deus, tibi offero meipsum & causas pro quibus patior, & veniam à te peto pro omnibus peccatis, &c. Item *Maidstone de Mart. Rich. Scroope ap. Wharton. Ang. sacra Tom.*, 2. p. 310.

Execution, he recommended the righteous Cause he died for to God.

*Thomas Mowbray* who suffer'd with him, and was tried after the same manner, we are inform'd by *Dr. Kennet* was no Peer. For this purpose he refers to *Sir William Dugdale*, who indeed says, that he never enjoy'd the Title of Duke, but he does not assert that he was no Peer; neither cou'd there be any ground for an Assertion of that Nature, because his Father, tho' he died in Banishment, did not die attainted; for *Sir William Dugdale* tells us, he died at *Venice*, seis'd of vast Possessions in *England*; besides, *Dr. Kennet* cou'd not but be sensible that his Sentence was not more rigorous than the Duke of *Hereford's*, who was thought to have Injustice done him by *King Richard*, in not being permitted, notwithstanding his Banishment, to take Possession of his Father's Estate. Moreover, if his Father was attainted, how the Honour of *Earl Marechal* of *England* cou'd descend to him, I cannot tell; but that he was *Earl Marechal* is beyond dispute. I wonder a Man of the Doctor's Sagacity shou'd represent an attainted Person capable of that Honour.

I wonder at the Doctor's trifling, he tells us the *Earl Marechal* was a desperate Youth, and but Nineteen Years of Age; but what Relation has this to his Peerage? how unworthy is such a loose way of arguing in the Doctor!

The like unfair Dealing has he shew'd to *Dr. Stillingfleet* concerning the *Lord Berkley*, who, notwithstanding he was a Peer, was tried by a Jury, the Doctor will have this *Lord Berkley* to have been a Knight; what then? does it follow he was no Peer? Surely he was summon'd to the House of Peers when he was in *England*, as particularly 14 *Edw. III.*

When

When this is done the Doctor knocks all on the Head again ; he quotes *Rymer's Fœdera* to prove he was tried and acquitted by the Lords, which is a perfect Contradiction, or at least it confounds his whole Dispute ; for if Commons and Lords were indiscriminately tried by the Lords, to what purpose do we dispute whether Bishops may be tried by the Lords or not. But the Doctor has an Evasion ; he says his Charge was upon an Impeachment, he dare not say of an House of Commons ; however the Ambiguity of the Word serv'd his turn with a careless Reader, tho' without proving it an Impeachment of the House of Commons it does him no Service.

However, the Lord *Berkley* was not the only Precedent which cou'd be produc'd ; in this very Parliament *Thomas Earl of Arundell* petition'd to have Lands restor'd, because his Father was not legally convicted by his Peers. See *Sir Robert Cotton's Abridgment of the Records*, 4 Edw. III.

The Doctor will by no means allow the *Magna Charta* to be infring'd by any Encroachments on the Clergy, but surely he does not understand the Meaning of the Words, *Ecclesia sit libera, the Church shall be free* ; that is, She shall be exempt from the Temporal Judicature of Temporal Persons, which surely was a constant Practice ; I urge therefore upon this Head no more than if the Bishops were to be tried by any Temporal Courts for Capital Crimes, they ought to be the House of Peers, pursuant to the Article of *Magna Charta*, *Nullus liber homo capiatur vel imprisonetur, nec super eum ibimus, nisi per legale iudicium parium suorum vel per legem terræ* ; and surely if Bishops are Peers, they ought to be tried by their Peers.

I wou'd not be understood to exempt the Clergy from Temporal Punishments, and Heaven knows they have felt 'em to some purpose in these



these unhappy Times; but it is no interfering with the Church and State, if the State thinks proper to constitute Spiritual Persons Judges of those Civil Punishments adapted to offending Clergy-men: If some Men fancy this an unreasonable Privilege, it nevertheless was the Law of our Country, and confirm'd upon the same Foot with *Magna Charta*, and we may as well quarrel with all the Liberties granted to our Country in that Charter, as against that. I leave to the Reader, whether the Doctor has prov'd it to be the Common Practice to try Bishops by Juries. The Doctor seems quite beyond his Mark in his Conjectures about the Original of Trials by Peers, as in asserting without any Grounds, that before the Norman Conqueror the greatest Thane and the least Tenant, were equally tried in County Courts, and other Places of Assize, because this is all an absolute Chimera of the Doctor's, supported by no Precedents and by no Authority but his own, which every Day grows more contemptible.

The Doctor however is pleas'd at last to come into my Sentiments, that the Church was equally jealous of being tried by Lords as by Commoners, and pretended a total Exemption from such Trials: But then why shou'd the Doctor desire p. 83. Precedents of Bishops claiming to be tried by the House of Peers. But as for a total Exemption; all which, he says, he can prove if his Patron wou'd have Patience, *see p. 93.* The Sum of the whole Story is thus. Our Kings envied such vast and extensive Privileges of the Clergy, and as they found Opportunity wou'd hale them to any Tribunal where they cou'd propose to be glutted with Revenge. Thus sometimes they dragg'd 'em to a House of Lords, and sometimes to a Common Court of Justice, which is the Reason  
F why

why our most Learned Lawyers are puzzled what Inferences to draw from the Precedents they have before them; and therefore both *Stillingfleet* and *Kennet* may labour to Eternity, the Result of the Controversy will amount to no more than this.

The Doctor concludes this Dispute with observing, that since the Reformation no Bishop of the Church of *England*, to the Honour of it, has been legally tried for Treason, or any other Capital Crime: But I can tell the Doctor, I cou'd sincerely wish, no modern Bishop may give the first Precedent of this nature. I am sure some Divines who have pre-elected themselves in their own Fancies to Bishopricks, deserve to be hang'd for Treason, whatever will be their Fate.

I shall conclude this Dispute with one Observation on Dr. *Kennet's* Sincerity, which cou'd not be so well introduc'd before without breaking into the Chain of the Argument; which is, that he takes occasion to reflect upon the Book of *Hereditary Right* for depending upon *Princes Danmonii illustres*, for Evidence that Sir *John Cary* was Chief Baron of the Exchequer at the Time of King *Richard II's* Deposition, and was banish'd by *Henry IV.* because he would not own his Authority. The Doctor says, it was *John Casey*, for which he ought to have produced his Authorities; which he seems very shy of doing. For my part, the Story seems to me related with so many corroborating Circumstances, with Testimonies sufficient to make it highly improbable that any Mistake cou'd arise, either in the Name, or Matter of Fact; he gives in the Preface an Account of the Manuscripts he quotes; amongst which *Westcote's* seems no contemptible one, who gives Evidence to this purpose: *Fuller* testifies the same: The last might without any wonder be

be mistaken. But we have as strong Evidence, if we consider the Tradition of the Family and the known Story thereof in the Country as is possible : Which makes it more probable that the Name might be mistaken in the transcribing from the Records. *Cary* might as probably be turn'd into *Cassy*, as *Cassy* into *Casey*, which is actually done by Dr. *Kennet*. Moreover, as this was no upstart Family, but of an antient Standing, and wanted no Sham Supports to set it off in the Eyes of the World. I cannot see but the Evidence *Prince* has given is equivalent to any Record in the World.

I shall for the present leave the Doctor's Politicks, and take a short View of his Theology, which is not much unlike the Pagan Superstition ; the King represents *Jupiter* ; the House of Lords the Grand Council of the Major Gods ; and the House of Commons the inferior tutelary Genius's of the Isle. In the mean time the People make and unmake, and have in their Power to dissolve that Assembly in the Clouds at their Pleasure ; the Priests stand around in the Grand Assembly, call'd only to obey the Dictates of the Deifying People, to sacrifice Honour, Conscience, Virtue and Integrity at their Call.

I am sure I have done the Doctor's Scheme no Injury by this Parallel ; he has been one of the grand Sacrificers himself in his Time, 'tis fresh in the Memory of Man.

The Doctor seems very angry at the independancy of the Church ; tho' at the same time he is at the Expence of contradicting all his former Notions. I wou'd have the Doctor consider what Power is, and what such Powers are in the Church which the Prince cannot claim : If he Appeals to the Reformation, let him know, some Powers in our Articles of Religion are actually



disclaim'd by the Prince, as being out of his Sphere ; he cannot administer the Sacraments ; why ? Because his Commission alone can neither capacitate himself or others for that purpose, for if he cou'd ordain others, he cou'd ordain himself ; which he confessedly cannot do.

What is this but an acknowledg'd Independency of the Church in Queen *Elizabeth's* Time ; for 'tis a certain Maxim, if one Power can do what another Power cannot do, the first Power is superior in that respect ; but if Ordination is no Act nor no Ordinance of the Civil Power, it must be independent thereof ; but if it is a Part of the Civil Power, and not invested in the Magistrate : Those who are invested with the Powers of Ordination are above the pretended Civil Magistrate ; which is absurd.

How poor is it in the Doctor to urge the Reformation in this Case, because it prov'd happy ; I have known a Man recover his impair'd Health by the casual Perscription of a Quack ; but perhaps this Quack had kill'd Thousands, to one he had cur'd. May not the same Notion as effectually destroy the Reformation as build it up ; does it not put into a Popish Princes Hands those very Weapons which alone can subvert the Church. I shall only suppose a Popish Prince to extend the Regale to the height these Men advance it, if he should fill up vacant Preferments with clofeted Divines, who should pawn their very Souls to renounce the Protestant Religion, when call'd upon it, and deprive those Bishops whose Integrity he could not shake, and prepare a Convocation to Expunge all the Thirty Nine Articles, or any part of them he pleases ; if he should to Crown all, Influence a Parliament to join with him, where would be your blessed Reformation ; would not the disappointed Clergy change their  
 Topicks,

Topicks, argue in Church Matters as they do in the State, call in Contracts Obligations, Preservation of our immortal Souls, to Cancel such an enormous and intolerable Power.

Yet does the Doctor deride Contracts between the Church and the State, our Civil Liberties are guarded with all imaginable care, but the Church is alone expos'd to the Capricies of a Bigot, or an Atheist.

He is very angry the Church is call'd the Kingdom of God; that Christ should be the King of this Kingdom; that Princes should become Subject to this Kingdom by Baptism. I must confess I read these Passages with no little concern, till I considered the Man who utter'd such Blasphemies; I thought the Church was the Kingdom of God, and that the Church Militant on Earth was cemented by an invisible Union with the Church Triumphant in Heaven; I look'd upon Christ as the Head of the Church, or at least I thought he had as good Claim thereto as some modern Pretenders; as for Baptism, I look upon it as making the Person baptiz'd a Member of the Church; but if Princes, by reason of their high Station, are excus'd from being Members of the Church; Parliaments consequently as they are superior to Kings, (according to modern Notions) are not Members of the Catholick Church but Masters. What would a Man give for this eminent Privilege, and what an agreeable Idea we must have of Religion, to see the Headship of the Church expos'd to Sale to the highest Bidder in popular Elections.

But in pursuance of these bright Notions of Christianity, the Doctor proceeds to give an Account of the Deprivation of Bishop *Merks*; he has not forgot his antient Sincerity, for which he is renown'd, he has cook'd a Deprivation purely by his

his own Art and Skill ; but 'tis like an enchanted Dish, when you come to touch it 'tis vanish'd : He is not content with taking away the Temporalities but the Spiritualities must follow after : For this he Cites a Manuscript, which mentions *John Shefford* and *John Carlell* Guardians of the Spirituality of the See of *Carlisle*, vacant by the Death of the Bishop of *Carlisle* : At first Sight one would imagine this but a slight Proof of the Bishops being alive, yet has the ingenious Doctor turn'd it that way ; he lets you understand this was no natural but civil Death, because he was dead in Law, by which, I suppose he has read the learned Dissertations of *Isaac Bickerstaff*, Esq; upon the decease of *Partridge* the Almanack-maker. Dead indeed, the Bishop of *Carlisle* was in Effect, and so are all honest Men when Usurpation prevails.

But from this imaginary Death he deduces a Deprivation of Temporalities and Spiritualities, all Rights of Dignity and Profit, and all Powers of officiating or exercising any Function or Jurisdiction ; all this is purely the Product of his own Brain, and calculated to amaze and terrify a Reader who cannot construe a false Quotation.

Having thus put out false Lights he flings them all down at once, he has destroy'd the whole by producing a Letter from *Henry IV.* to the Pope, complaining of his Translating the Bishop of *Carlisle* to *Samos*, (a pure titular See) and providing a Successor to the vacant one. But in this Letter  
 “ we find plainly he wonders the Pope should trans-  
 “ gress his own Rules so lately made, upon the  
 “ Restitution of *Thomas Arundell*, viz. That no Pre-  
 “ late should be translated from his own Church a-  
 “ gainst his own will, that they would not admit  
 “ the Person so provided by the Pope to the Tem-  
 “ poralities. But as the Bishop had been by the  
 “ Laws



“ Laws of the Kingdom convicted of Treason, and  
 “ had Corporal Punishment respited by the King.  
 “ Therefore, to satisfy the Honour of the Church,  
 “ the Pope ought to delegate the Archbishop or  
 “ some other to degrade the said Bishop, and deli-  
 “ ver him to the secular Arm: Otherwise, his  
 “ Apostolical Blessedness ought not to wonder,  
 “ if the King pursu’d his own Power farther.

I wou’d only ask the Impartial Reader, if he  
 can find any thing in this Letter which looks like  
 a Lay-deprivation, and yet I have given the Sub-  
 stance of all I find. The Bishop could not be  
 degraded, because that Sentence was required of  
 the Pope to be pass’d upon him, and he could  
 have no other Reason against the Translation of  
 the Bishop, but only a pretence to keep the Tem-  
 poralities in his own Hands, if they were worth  
 keeping. But his calling the Pope’s Act a Tran-  
 slation, is a plain Proof he did not look upon the  
 Bishoprick vacant by any State Writs; and yet  
 at this Time was the Bishop of *Carlisle* as dead in  
 Law as a Man could be; as the Letter fully de-  
 clares.

The Doctor’s Observations upon this Letter  
 have no Relation to our Controversy, except the  
 Fifth and Sixth, which have made some Disco-  
 veries to oblige the credulous Part of the World.

Before I enter upon this Subject, I shall observe  
 an Inconsistency the Doctor runs into, with a  
 precipitant Rashness peculiar to his Pen; he grants  
 with the most obliging Condescension in the World,  
 that it is an antient Privilege of the Clergy to be  
 degraded by the Ecclesiastical Ordinary after Sen-  
 tence of Death pass’d, before Execution; but he  
 did not consider that *p. 101.* he had endeavour’d to  
 prove Bishop *Merks* dead in Law after Sentence  
 pass’d upon him, and in all Effects as to any Pow-  
 er he should enjoy, either Ecclesiastical or Civil,

as

as dead as though he were laid in his Grave, and all the Organs of his Body completely defunct ; if so, to what purpose need any Ecclesiastical Ordinary disturb himself with any further Degradation ; when moreover his Bishop of *Bangor*, in a renown'd Performance of his lately publish'd, in defence of the persecuting Emperors, has likewise asserted putting to death to amount to an absolute Deprivation ; and the Man is the same as hang'd in Law when Sentence is pass'd upon him. Tho', I believe, if the Question had been put what was the Condition of *Mr. Paul* in the interval, between the Sentence and the Execution, it would have perplex'd his whole Argument, and broke the Chain of his Logick. But this would have been more effectually done if he had been ask'd, whether, if *Mr. Paul* had been pardon'd, his Ordination ought to be renew'd ; an Answer either in the Affirmative or the Negative, would have been attended with big Consequences.

I shall now return to descant upon the Doctor's Panegyrick on *Henry IV.* whom he seems in love with, for no other Reason, but because he was an Usurper.

He came in due Time to save the Nation from regal Tyranny and Papal Usurpations ; for my part in all my re-searches into the History of those Times, I cannot find any just Grounds for the deposing King *Richard* or advancing *Henry* ; the Nation enjoy'd a profound Peace, and all the Happiness which could be show'd down upon an ingrateful People ; when that Usurper broke in upon its Quiet, and glutted our *English* Globe with Christian Blood, and entail'd Wars and Poverty upon us to succeeding Generations. Such were the Blessings of his Reign, and his Childrens Children so highly cried up by this politick Divine.

I shall briefly treat with the Doctor upon these two Topicks, as to the State, he practis'd, even that dispensing Power charg'd King *Richard* in the first Year of his Reign ; he compleatly dispens'd with an Act of Parliament to as much effect, as if it never had been made ; he directed a Writ to the Justiciary, to attach the Bodies of Prelates, and prosecute 'em according to usual Form of Law, notwithstanding the Statute pass'd in 18 *Edward* III. to the contrary, which runs thus, " that  
 " no Abp. or Bishop shall be impeach'd before  
 " our Justices, because of Crime, unless we espec-  
 " ally do Command, till another Remedy be ob-  
 " tain'd. The Doctor p. 70. will not allow this to be dispensing with the Statute, but giving such Order and Command as was provided by the Statutes ; upon which I must observe, that no Act could be suppos'd to be made to destroy its own Intent. 'Tis evident this Act was calculated to take place in all ordinary Cases, that the Clergy might not be harass'd by Lay-tribunals ; for which Reason they should not be disturb'd without special Recourse to the King. But by this Writ such Recourse was intirely cut off, and no time limited for the Writ, which was indeed completely annihilating the Act. If indeed he had a special Order for particular Bishops nam'd in the Writ, he had not destroy'd the intent of the Statute ; but to send an unlimited Order to the Justices, to act at their own Discretion against the Clergy, was evidently destroying the Vigour and Efficacy thereof.

To oblige the Reader I shall give him the Substance of the Writ. \* The

---

\* Rex, &c. licet in Statuto apud Westmonasterium nuper edit. inter cætera contineatur, &c.



The King, &c.

“ Norwithstanding in a Statute lately promis’d  
“ at *Westminster*, it is provided, &c.

“ Nevertheless, by the Advice of our Coun-  
“ cil we strictly Command you, That if any Arch-  
“ bishops or Bishops, shall be summon’d before  
“ you or indicted, you shall proceed upon those  
“ Archbishops or Bishops according to the antient  
“ Laws and Customs of *England*, as if the same  
“ Statute were not in Force.

Surely this amounts to as full a dispensing Power  
as ever King claim’d.

I shall put a parallel Case, and see if the Doctor  
can answer it.

If an Act at this Time should pass, that Fo-  
reigners or begging Divines from abroad, should  
be capable of no Ecclesiastical Preferment here,  
without special License from an Archbishop; if  
the said Archbishop should send his *non obstante* to  
this Act, and give a general License to all *Luthe-  
rans, Calvinists*, and the whole fry of foreign Re-  
formers to come over and accept our Preferments;  
I ask if this would not be defeating the Intent of  
the Act.

The Doctor moreover confesses another Instance  
of the dispensing Power (tho’ he was not aware  
of it) in p. 81. 82. he tells us *Henry IV.* issued forth  
a Proclamation against Lying, and adjudged se-  
veral to Death; who were accordingly executed  
for telling Lies.

---

De avifamento tamen concilii nostri vobis mandamus,  
quod si aliqui Archiepiscopi vel Episcopi coram vobis im-  
positi sive indictati existant, tunc ad Deliberationem ipso-  
rum Archiepiscoporum & Episcoporum procedatis, prout de  
jure & secundum Legem & Consuetudinem Regni nostri  
Angliæ fore videritis faciendum Statuto prædicto non ob-  
stante, *Rymer’s Fœdera* Tom. 8. p. 123.

This

This is almost the only Quotation the Doctor is pleas'd to make use of in the Letter, which is true half way ; 'tis most certain *Henry IV.* issued forth a Proclamation *June 5.* to imprison those who should speak Lies, till further Provision should be made for their Punishment, which was accordingly done ; as appears by the Contents of his second Proclamation *June 8th.* for some were hang'd for their pains. But as *Henry* perceiv'd it was too hot Work to hang all the spreaders of a common Report, this Proclamation was suspended the farther Prosecution.

Was not here a penal Law dispens'd with. But I would ask the Doctor one Question.

Did *Henry IV.* make this penal Law purely by virtue of his Proclamation or not.

If it was an antient Law he manifestly dispens'd therewith ; if it was a Law only engender'd by a Proclamation, this is a shrew'd Instance to the Doctor's disadvantage.

'Tis plain from hence that *Henry IV.* was as Arbitrary as some have been reported in these Days ; I might have given more Instances of this kind, but I was unwilling to put the Doctor out of conceit with his Revolution Hero. I shall only speak one Word as to his being an Anti-papist.

If he had been such an Enemy to papal Provisions, his prudence would have directed him to crush them at once, and not to give into a notorious one the first Year of his Reign, which he manifestly did in relation to *Richard Joug*, nominated by the Pope to *Bangor*. See *Rymer's Fœd. Tom 8. p. 143.* \* His Kindness to the Lollards appear'd

---

\* Nos igitur zelator justitiæ & fidei Catholicæ cultor volentes Ecclesiam Sanctam ac Jura & Libertates ejusdem manere tenere & defendere & hujusmodi Hæreses & errores de-

pear'd in the second Year of his Reign, by his Writ to burn *Sautre* the Priest, in which he declares he does it out of pure Zeal for the Catholick Church, and an hearty desire to promote Justice; protect the Church in all her Liberties, and extirpate Heresies, and bring Hereticks to condign Punishment.

But the Doctor assures us he would have shaken off the *Roman* Yoke, if his People would then have accepted a deliverance from it. Surely their Passions cool'd very fast, they are represented by the Doctor to have depos'd King *Richard* for being a Papist, and yet to refuse being reform'd by *Henry* IV. when they had taken such pains to bring him in, was very peevish and unaccountable. But I would ask what step he made for that purpose. What instance can this learned Man produce of one favourable Glance of *Henry* IV. towards Protestantism; but especially to turn Lollard and lay his Crown down, or leave his Sins. But the Doctor is fond of Protestant Usurpers, I suppose he can make it a pious Protestant Act in *Edward* III. to let his Father be murder'd; it was a Protestant Act in King *John* to murder his Nephew; so in short I suppose the Doctor is retain'd to take all Villany under his Protection, and Sanctify it with the Name of Protestant.

That *Henry* IV. was a Protestant, because his Chops water'd after religious Houses, is no good Consequence, nor much to the Credit of our most holy Religion to be engag'd in Sacrilege: 'Tis therefore my humble Opinion the Doctor has done us Protestants little Credit, in retaining

---

Regno nostro Angliæ quantum in nobis est radicibus extirpare, ac Hæreticos sic Convictos animadversione condigna punire. Rym. Fæd. Tom. 8. p. 178.

*Henry*



*Henry VIII.* for a Protestant King, and telling us he dy'd in Glory.

I could not but smile at the Doctor's repeated inconsistencies, he tells us p. 110. The Commons pray'd that Sir *Richard Clifford* being commended to the Bishoprick of *Bath* and *Wells* by the Bull of the Pope, might enjoy the same; from whence we may conclude, the Commons were no great Enemies to Papal Provisions; yet it was hard to condemn that in King *Richard* which they allow'd in King *Henry*. But such Inconsistencies are very frequent in our Country.

It was a Crime in King *James* and King *Richard* to dispense with the Laws, but in *Henry IV.* it was none. O! The Iniquity of a perverse Age which can change the eternal Laws of Good and Evil; make only the Unfortunate, Wicked, and the Prosperous Pious, Religious and Virtuous.

“ The Doctor's Instance of Sir *Richard Clifford*'s  
 “ being recommended to *Bath* and *Wells*, when  
 “ examin'd in Sir *Robert Cotton*'s Abridgment  
 “ prov'd very strongly a Dispensing Power lodg'd  
 “ in the King, even by Consent of Parliament.  
 “ The Words are thus. The Commons pray the  
 “ King, that Sir *Richard Clifford* Keeper of the  
 “ Privy Seal, might enjoy the Bishoprick of *Bath*  
 “ and *Wells*, whereby he was commended by the  
 “ Pope's Bull; notwithstanding the Statute of  
 “ Provisors, the King answer'd that could not be  
 “ so, for as much as Mr. *Henry Bonnet* was elected  
 “ thereunto by the Laws of the Realm.

Here was a Petition of the Commons to the King to dispense with the Statute of Provisors, which however the King, (our pretended King,) refus'd, because *Bonnet* had been duly elected, and it was not in his power to dispense with that Election,

Election, as being of a mix'd Nature Ecclesiastical and Civil.

This I take at least to be the Reason, or he might have revok'd his Edict or *Conge Desire*, and turn'd off Sir *Richard Clifford* for another Time, instead of *Henry Bonnet*.

The Doctor proceeds with an Harangue upon *Henry IV.* as a Panegyrick, as tho' he expects his Resurrection and Reinthronement, and hopes these loud Encomiums may reach the Manes of the Usurper, and pleaded loud for a Bishoprick. I must tell him he treats Mr. *Collier* p. 114. not well, because he lays about him with so much Carelesness and such an Air of Neglect, as tho' he had not a Scholar (and without invidious Reflections) a Man of more worth than himself to deal with, p. 114. he tells us, The Ecclesiastical Historian treated the Memory of *Henry IV.* very tenderly, because he issued out his Writ to burn Hereticks, which is a Reflection so unjust, so harsh and so censorious, as is fit only for the Mouth of a Party-man. What, does he think to scare People with *Raw-head* and *Bloody-bones*? Surely the Times are over for Plots of Grid-irons and Bridles to take; does he think, Mercy and Clemency and Piety are confin'd only to his own Party, and to be found nowhere else? Surely he is not so presumptuously vain.

But as I was observing, the 115th Page contradicts the preceding; there he tells us, Mr. *Collier* in the Character of *Henry IV.* had a visible dash of Displeasure; 'tis the Doctor's peculiar Happiness that his Breath can blow hot and cold at the same time.

The Doctor proceeds in his usual way of Reflecting upon others, without the least Guard upon himself. He tells us with a great deal of Gravity, an Historian shou'd write with no Distraction

fraction of Thought or interfering Views but in the Simplicity of Truth upon every single Fact ; but he adds, nothing is more discernable, my Lord, than that the Historian here had his Eye upon our later Revolution, and was drawing King *William* under the Lines of *Henry IV.*

I ask, whether the Doctor's Modesty is not fled, not to blush at this Description of an Historian ? Can the Reader believe that he was not even with Mr. *Collier* in his Character of King *James*, and whether his Picture of that poor unfortunate Monarch (whose Ashes none but Knaves and Fools tread upon and disturb) in his History of *England* was not drawn from the Original of King *Richard II.* or whether he does not designedly the same in this Book p. 25.

As to Bishop *Merks*, who is in his Eye throughout the Book, he returns to him, and insists p. 116. afresh upon a Lay-deprivation ; for this purpose he cites a Warrant directed to the Abbot of *Westminster*, to receive the Body of *Thomas* late Bishop of *Carlisle* into his Custody, dated Jun. 23. Anno 1400. whereas in *March* before the Bishop was Canonically remov'd (as Notions then prevail'd) by the Pope's translating *Thomas Merks* to *Samos* ; and tho' *Henry IV.* wrote a Bullying Letter to the Pope, and requires him to deprive *Merks* disgracefully ; he does not disown his *Samostan* Title. But I wonder the Doctor shou'd insist upon a Lay-deprivation, when he confesses p. 64. that *Merks* was call'd *Thomas Samostan*, which he says is Bishop of *Samos* ; 'tis true he chimerically wou'd add *postea* or *modo Samostan*, because he will not allow him to be then Translated. This bears Date Oct. 19. 1399. But however, if we grant him his Chimera for once he gains nothing to his purpose ; the Vacancy  
of



of the See did not proceed from any Lay-deprivation, but from the Pope's Brief of Translation, which *Henry IV.* did not pretend to nullify, tho' *Strickland* was not at that time perhaps acknowledged upon the account of the Election. The King's Letter sent to the Pope upon that occasion, bears Date *March 15. 1399-1400.* If the Manuscript quoted by *Dr. Kennet* p. 101. is genuine, 'tis not impossible or improbable the See might at that time be vacant by the Pope's Brief; but however, that the whole is genuine is impossible; the Words *post mortem* cannot be true, for the Bishop cou'd not be naturally dead some Months after, as the Writ for his Removal *Jun. 23. 1400.* testifies; and as for the artificial Death, it deserves only Ridicule as a Chimera of the Doctor's.

His Lay-deprivation therefore turns upon these Points. 1. The Genuineness of this Manuscript, as to the whole. 2. Whether *post mortem* is not a particular Forgery. 3. Granting even the Two first, whether the Pope had not then issu'd forth his Brief of Translation, and therefore we may make it a Spiritual Death, because he was dead to that See.

As to the *First*, *Dr. Kennet's* Credit I am sure will not support it.

As to the *Second*, I appeal to any Man of Common Sense, whether this artificial Death is not unprecedented and chimerical.

The *Third* flows naturally; for if this artificial Death must take place, I cannot see why a Man may not be canonically as well as politically dead.

The Reader by this time may see what weak wretched Proofs the Doctor has got to support this pretended Lay-deprivation.

By

By this time the Doctor has compleatly depriv'd the Bishop of *Carlisle*, and brought his Lay-Corps to be imprison'd in the Abby of *Westminster*, where he places him full of Guilt, Anxiety and Pangs of Conscience, for being grateful to his Friend and Patron, faithful to his Master, and loyal to his injur'd Sovereign. After this, to make amends for his past Conduct, he makes him swallow the Oaths to *Henry IV.* tho' that an Abjuration Oath was then impos'd does not appear upon Record.

What are the mighty Proofs for this sanguine Assertion, but only King *Henry* pardon'd him; from whence he flourishes upon the absolute Necessity of his selling his Honour and Integrity for a Pardon. I suppose the Doctor thinks there was no Man of common Honesty in those Days; what personal Obligation can any Usurper lay upon me to forfeit my Allegiance, which, I am told by the Laws of the Land, is the Property of the Prince;

Besides, *Henry IV.* in his Pardon does not intimate that the Bishop relented, that he confess'd his Crime, and petition'd for the Usurper's Clemency.

As for pleading the Pardon, I cannot be convinc'd by all the Doctor's Rhetorick, that this is a solemn Acknowledgment of the Title of an Usurper. I look upon a Subject in an Usurpation to be a Prisoner at large in the Power of his Enemies; he may in such Case make what Terms he thinks convenient, by way of Composition, for his Life, Liberty or Effects, provided he does not come into any Act of Injustice to his Master, or to his God. I may therefore compound with an Usurper to save my Life, not to bear Arms against him whilst that Usurp-

H

ing

ing Power remains undissolv'd, and my self not deliver'd from his Power; because as my Life is his, and he has got the external Possession thereof, it can be no Injury to my Sovereign, to compound for that Life which is lost to him in effect; but after such a Compact, if my Sovereign sets me free, he looses me from the Obligation; I am no longer a Prisoner, nor under the Power of the Usurper: I may therefore without breach of Justice take up Arms, and perform all the Duties of a Subject.

Bishop *Merke's* pleading the Pardon was no more than insisting upon the Compact, that his Life should be sav'd, which indeed was not properly forfeited but reduc'd to the Empire of Injustice and Oppression; what Proofs he has that he took the Oaths and swore Homage to King *Henry* the Doctor has not been pleas'd to inform us; I believe Dr. *Higden* will not be able to support the Doctor with his Notion, that *Carlisle* was oblig'd to take the Oaths before he could be qualified to sit in the House of Lords, I believe he will find no Precedents on his Side, the Peers might indeed at their first being called to the House take the Oaths, or afterwards, upon any new Accession of Honour, but surely the Test is of a much later Date, which deprives Lords of the Privilege of their Peerage, if they do not swear according to the Act made for that purpose.

But the Doctor has made up an Oath of Allegiance and Abjuration for the Bishop, and by strength of Imagination will maintain, that the Bishop must swear, though the Oath was made some Years after Bishop *Merke's* in all Probability was Dead, and was calculated for the Earl of *Northumberland's* Insurrection, and directed only to be impos'd upon the Knights and Esquires of  
that



that Country. \* Yet has the Doctor formally cited two Oaths, whereas there was really but one, which he has been pleas'd to split and model according to his own Fancy. The Oath runs thus.

“ You shall swear that from this Day forward  
 “ you will be Faithful and Loyal to our Sovereign  
 “ Lord King Henry and his Heirs, being Kings  
 “ of England.  
 “ That you renounce the Earl of Northumber-  
 “ land, and all his Accomplices, &c.

What the Doctor meant by leaving out the Circumstance of the Earl of Northumberland I cannot tell, I suppose it artfully done, because he was conscious, the Earl of Northumberland in Bishop Merks's Time was not engaged in the Insurrection.

The Doctor proceeds, after he had made the Bishop take the Oaths, to give him the empty Title of Bishop of Samos, but will by no means allow the Pope's Brief to be valid before that

(e) Rex Dilectis & Fidelibus suis Johanni Woderyngton, &c. assignavimus vos & quos vestrum ad omnes & singulos Milites & Armigeros, Comitatus Northumbriæ coram vobis & duobus vestrum certis diebus & locis competentibus, per vos infra Comitatum prædictum designandis convocandum ad quædam Sacramenta de eisdem Militibus & Armigeris, per ipsos & eorum quemlibet juxta formam cujusdam cedulae præsentibus annexæ, coram vobis præstanda capiendum, &c.

*Forma Sacramenti prædicti.*

Vous jurrez, qui de ceste jour en avant vous ferrez foial & loial à nostre Sovereigne Seigneur le Roi Henry & ses heirs Roys d'Angleterre, & foy lour porterez. Et Henry Count de Northumbre & sa Compaignie refuserez, & james ne luy servirez ; ne oue luy comunerez, ne rien à luy envoieerez, qui lui purra comforter ; encountre nôtre dit Seigneur le Roy & ses ditz heirs par message, ne par Lettre, n'autrement, fauns especial Licence nostre dit Seigneur le Roy.

*Rym. Fædera Tom. 8. p. 322.*

Time, upon which I observe a most egregious Contradiction. The Doctor p. 125. makes the Bishop take the Oaths when he made his Speech in Parliament in Defence of King Richard; and in p. 197. he was not acknowledg'd Bishop of *Samos* till he had taken the Oaths of Allegiance.

I assure the Doctor I defy him to give one Proof of *Henry's* not owning his Title to *Samos*, I am sure the Letter above-cited has no such Matter, nor can I understand how *Henry's* Regale could extend to the *Archipelago* and the *Turkish Shpar*; besides, the Patent cited by the Doctor is so far from urging against the Validity of the Translation, that he grounds his Patent upon the said Brief, urges, that whereas the Pope out of his free Will had translated the late Bishop of *Carlisle* to the See of *Samos*, where no Christian People could be found, he was pleas'd to give License, &c. I would ask whether the Word Translate there does not suppose Conveiance from one See to another, which could not be if *Carlisle* was legally and validly deprived before he was constituted Bishop of *Samos*.

Thus we leave the Bishop of *Carlisle*, and return to two Instances Dr. Kennet has pretended to produce of Lay-deprivations.

1<sup>st</sup>, *John Trevaun* Bishop of *St. Asaph*, after having been engag'd in the Insurrection of *Owen de Glendowrdy*, was called pretended Bishop by *Henry IV.* and his See was vacated.

But the Doctor has from the *Arundel Register* oblig'd the World with an Account of this Matter, which will afford some Light into the Story; it appears from thence that the Bishop of *St. Asaph* was an Intruder, for which Reason in all Probability, he was called the pretended Bishop of *St. Asaph* by *Henry IV.* therefore his Case does not come under the Question; an intruding  
Bishop

Bishop is no Object of Canonical Usage; but such are Creatures of the State, and may accordingly be govern'd by the secular Arm, even in those Affairs which they pretend to be Spiritual; the King may be the Head of a Thousand false Religions, but he cannot be Head of the true Church of Christ.

2dly, *Lewis* Bishop of *Bangor*, is pointed out as the next Instance of a Lay-deprivation: But the Dr. is so far from making it good, that he has not given the least Umbrage to his Adversaries; nor so much as given one particular of the States being any otherwise concern'd in the Matter, than to deliver the Temporals to the Successors to that Bishoprick; which at that Time was frequently done.

Moreover, Dr. *Kennet* acknowledges that the Pope's Bull absolv'd the Bishop of *Bangor* from his Relation to his Diocess, which amounts to a Deprivation, as Deprivations went in those Days, after the Pope had engross'd all Episcopal Judicatures to himself. To this the Doctor has nothing to say, he casts a Cloud of Smoke about him, and by benefit thereof, makes his Escape. He quibbles about Translation, and questions very much whether the Bishop of *Bangor* was translated or not, which is little to the purpose; because the Question is not, whether he was translated by the Pope, but whether he was depriv'd by a Lay Power; if it was done, either, by the Pope Metropolitan, or a Synod, the Doctor is a Cast beyond the Question; which however he industriously conceals.

He likewise lends his Assistance to destroy himself, by informing the World Archbishop *Arundel* passes over *Lewis* as an Intruder and Usurper, which surely is against his Scheme; for if he was from the Beginning an Intruder, his suppos'd Lay-depriva-



deprivation does not affect the Case ; but if he pass'd him over in Silence as unworthy to be enroll'd, or to have his Name mention'd in any publick Register, because he was a Rebel ; what is this to the Doctor's purpose. The Archbishop was no Lay-man nor Vicar to the King in Spirituals.

I leave the Reader impartially to judge, whether the Doctor has in the least answer'd his formidable Title-Page, that the Nomination, Election, Investiture and Deprivation of English Prelates was originally constituted and govern'd by the Sovereign Power of Kings and their Parliament.

The Doctor for the remainder of his Book will not be brought in any more upon that Subject, as to particular Instances. He next proceeds to rave about Suffragans, and falls with great Fury upon the Nonjurors ; but with such Fury as the Waves beat against the Shoar, he knows they are impenetrable to Noise and Clamour, and yet he seems fond of attacking them with no other Weapons. I did not purpose at first to enter into the Merits of that Dispute at this time, nor shall I any farther concern my self therewith, than to point out some bright Touches of the Doctor's sparkling Genius.

The Doctor proposes a Scheme to reduce that Party by Writing. I must needs say the Doctor, as to his own Part, has hitherto fail'd very much ; but as I have known some Men fond of laying Schemes to improve others Estates, who cou'd not even preserve their own ; so the Doctor has laid down a Method, not only to confute but scatter them, *see p. 148.* He proposes to shew the great Variety and Contradiction of the several Principles, upon which they have built and upheld their Schism ; and then likewise to shew the different Practices of their chief Leaders.

If

If the Doctor will stand to this Test, he will find but little account therein; because if they shou'd retort, they might triumph over the Doctor and several of his Friends. If we consider only the present Establish'd Church, with what Variety of Opinions is she torn, she seems to have nothing Orthodox in her but the Walls her Forefathers built, which are now various ways profan'd; her Discipline, her Articles and Subscriptions are fallen under Contempt with her own Sons.

What a negative Religion may we extract from the avow'd Principles of her leading Dignified Men, as if the Devil had found as compendious a way of exterminating Christianity, as by transferring *not* from the Commandments, and putting it into the Creed.

I wou'd take away the Divinity of our Blessed Saviour with Mr. *Whiston* and Dr. *Clark*, which will level us to the State of the Church under *Constantine's* Pious Reign, which wou'd also reduce our Common Prayer-Books to a more slender Size, by striking out the *Gloria Patri's* and the *Athanasian Creed*.

I wou'd next, in Concert with a certain Bishop and his Brethren, take away Three Obstacles which have done more Mischief than all the rest, *viz.* The Independency of the Church on the State, the Sacrifice of the Eucharist and the Absolution of the Priest, by which means I shou'd gain Three very considerable Advantages over Christianity, in order to introduce a Religion more free, easy and unconfin'd.

For, by the *First*, I cou'd procure any Christian Article to be repeal'd by an honest free-thinking Sessions of Parliament by Petition, Bill or Address, or any other means most proper to conduce to that end.

By

By the *Second*, I shou'd by degrees wear out the dreadful Apprehensions of going to the Lord's Table unprepar'd, and shou'd come there with no more Concern than to an ordinary Appointment with a Friend.

By the *Third*, I shou'd in a great measure free my self from the intolerable Load of Priestcraft; Confession, Penance and Absolution being only a spiritual way of laying a Sinner in Chains, and knocking them off at the Priest's Pleasure, to the great Torture and Vexation of His Majesty's Protestant Subjects.

By this time Religion wou'd be left pretty naked; the remainder wou'd be only a Set of Scarecrow Clergy, set up to fright Fools. But even these I cou'd easily dissipate by the Help of the Bishop of *Bangor's Preservative*, together with a presentment of a Grand Jury against them as a parcel of idle Fellows, who get their Living by telling Lies, and sometimes printing 'em.

By this time, good dear Doctor, we have dress'd up Christianity in a pure simple, easy and unaffected Dress: She has nothing left to plague the Conscience or torment the Mind, unless it be the Terror of Hell Torments hereafter; but even these are soften'd by Dr. *Tillotson*; their Eternal Duration (to the great Comfort of the Devil and his Party) is taken away, and perhaps next we shall find some brave-spirited free-thinking Divine, who will so moderate their Rigour, that we shall be in no Pain upon that account.

The Doctor has generously discharg'd all Persons of Quality, and we hope in Time all Members of the House of Commons may claim the same Privilege; but this we must leave to Time. But to pass over these Reflections, which are only *en passant*, in order to illustrate the Character of the Doctor and of his Friends, I shall proceed



to insist upon some other Particularities worth the Reader's Notice.

He speaks with too much Freedom of the Scriptural Church, and with so much Freedom as is highly scandalous in a Man who bears the Badge of Christianity, wears the Habit of a Christian Priest, and is in Heart a Pagan. He tells us in Scripture Times the Church had no Diocesan Districts; I wou'd refer the Doctor back to what he has said before, and bid him make the Application if he can to his Purpose; he has before laid down as an Hypothesis, that the Non-jurors had no Diocesan Districts, and yet charges them in this Page with contradicting the Scriptural Church which had no Diocesan Districts. This is a Freedom much unbecoming a Scholar, or a Man of Parts: Moreover, what Scope he proposes is utterly unknown to me, unless it be to take away the Divine Right of Episcopacy; 'tis possible indeed that the Apostles shou'd govern the Church by a Common-Council of Apostles, but this is also as highly improbable; they had the Gospel to preach in quite different and remote Parts of the World, such a College cou'd scarce act; 'tis more probable the Apostles assign'd amongst themselves their distinct Portions or Partitions independent of each other, which were Dioceses.

But this is not all; the Doctor pleads hard for direct Latitudinarianism; he tells us, there was no Government or Discipline expressly ordain'd, brotherly Love and Charity were the only Terms of Communion; consequently they are so still; for if the Scriptures have assign'd no other Terms of Communion, I dare not say upon what Authority we can establish any new Terms since, which will in some measure effect our English

Reformation, and much more the Reformation abroad.

But this is a plain declaring War against all Establish'd Churches in the World, which can be call'd only Encroachments upon the Liberty of Mankind.

If the Primitive Church was no Society or Corporation under proper Governours; neither ought there to be any such in our Days, or at least it must be founded by Consent, and no Man is oblig'd to submit thereto any longer than he pleases.

These Principles, if they excuse the Establish'd Church of *England* from Schism, they cannot lay any such Charge upon the Non-jurors, because they take away all Notion of Schism whatsoever.

The Doctor says, when we separated from the Church of *Rome*, we demonstrated their Terms of Communion to be unlawful by the Scriptures, I suppose he means negatively unlawful, for some positively unlawful cou'd not be. I believe the Doctrine of Transubstantiation cannot be prov'd directly from Scripture unlawful, literally taken; yet by Inferences from Scripture it may be condemn'd.

But the Dissenting Brethren, when withdrawing from us (says the Doctor) to purer Ordinances; they attempted to build upon the same Foundation, and urg'd Scripture, tho' mistaken, for new Congregations, and a more Holy Discipline; from whence I conclude, the Dissenters, upon their Separation from us, join'd in purer Ordinances; which, if true, makes it a Shame in you to keep from embracing those pure Ordinances, you stand condemn'd by the strongest Evidence from your own Mouth. But why are the Dissenters your Brethren and the Non-jurors excluded

ded from the Blessed Fraternity ; they both abominate some, tho' different Parts of your Worship ; they equally deny an *Henrician* Supremacy, and both have the same Opinion of your Morals and Practices : The only Difference as to those Respects, is ; the one can forgive you, and the other cannot ; the one, if you was in their Power, wou'd use you with Christianity, and the other repay your base low-spirited and dastardly Compliances with triumphing Scorn and Insults.

I cou'd not but smile to find the Doctor complain of hard Usage from a Party of Men who call themselves Nonjurors, and at the same time hug and caress the Dissenters ; when the first by Violence torn asunder wish and desire a Re-union upon fair, just and righteous Terms ; and the latter scorn and hate the very Name of the Church of *England*, and one Wretch particularly, a known Acquaintance and Favourite of the Doctor's, has describ'd the whole Set of Clergy as a parcel of indolent Wretches, born only to devour what's too good for 'em to touch.

To come nearer, the Doctor charges the Nonjurors as a set of Men who make a governing Church consist of the Clergy only, without People or Civil Magistrate, and in the Name of this Church would make the establish'd Communion unlawful ; Bishops Usurpers, Priests Pretenders ; their Ministrations Invalid, their Prayers Sinful.

I would ask what great Opinion a Dissenter can have of all these, if he did not think your Prayers sinful he would come to them, if he thought your Bishops true ones he would own them ; therefore 'tis ridiculous to cry out for help to that Quarter.

Well, But the Doctor proceeds and gives up the Primitive Church as an incompetent Judge of Discipline, or at least as no Pattern for these



Days ; I cannot tell whether the Primitive Christians were so well vers'd in the Arts of Villany as our modern Theologues. But why the Apostles should not be able to form a Church upon self-preserving Principles, which should enable it to continue the same to the end of the World, is to me very strange ; in short, If the Church is to be preserv'd by new Methods entirely opposite to Scripture and to Primitive Christianity I have done ; I only wish these Methods may not prove new only in respect to their transcendant Impiety, which too often accompanies Pretences of this Nature.

But the Doctor p. 151. tells us no Part of Church Government is so essential necessary, but it may be laid down as the *Deaconesses holy Kisses* and *Love Feasts* were in the Primitive Times ; if so why may not this Supremacy of the Prince be abrogated too, and his Ecclesiastical Power be retrenched.

The Doctor p. 152. has disclos'd the whole Scene, he tells us the Primitive Church, as properly relating to our Condition, was not the Church in Persecution by the Heathen Magistrates, but was rather the Church when espous'd and supported by the Christian Magistrate.

I would only ask whether he infers from hence, that no Christian Church began to be till *Constantine's* Days, which is indeed most exactly agreeable to Mr. *Hobbs*, the Father of modern Theology ; who tells us, that even the Laws of Good and Evil are settled by the Magistrate, the Magistrate is settled by the People, and consequently the Laws of Good and Evil are fix'd by every private Breast ; so it fares in relation to the Church and all the Powers with which she seems invested.

But if he means that the establish'd Church can only be compar'd with that in *Constantine's* Days,  
this

this affects only one Side of the Question, those Churches which are not establish'd, have but a poor Lay to argue upon that Topick.

The Doctor appeals with great Warmth and very strong Assurance to those Times, as if that whole Field of Controversy was entirely resign'd to him; but some of his Party have in vain sweated upon that Subject, 'tis well known some Years since, that Dr. *Hody* fell very much short thereof; and I am sure the Attempts since have fallen much shorter.

We come next to the national Church, and here he has taken particular Care to secure the Question to himself; for as he has given no particular Standard for this Church, but takes it altogether as one and the same in its Purity, its Corruption, and its Reformation; and always Triumphant: How is it possible to determine from Precedents, (thus stating the Case) whether Bishops ought to be depriv'd by the State or no. The Church Triumphant he always supposes in the Right, but a Bishop could not be depriv'd but by the Triumphant Power; by this means he has begg'd the Question, and seems resolv'd to keep it close; he begins with the *Saxon* Times, and is very Confident the Church and State were united for the common Good, in which I think he is mistaken. The Church and the State were but upon ill Terms when the Monks of *Bangor* were massacred by the State, and indeed the Church and State never so incorporated, but as Oil and Water, the one ever will be above and the other below.

As for what the Doctor asserts in relation to British Councils and Canons, I shall examine them apart, in a Treatise which I design shall follow this Book concerning Investitures, the Powers of the British Church in antient Times, and  
the

the Extent of the Regale. What I now propose is no more than to take off the Insults of Dr. Kennet, to expose his Treachery to the World, and let them see that his Performances are only the Productions of Treachery and Malice mix'd up together, and fermented by Ambition.

A most notorious Instance of this nature appears p. 153. he there brings a Story of *Wulfstan* Bishop of *Worcester* resigning the Pastoral Staff to the Sovereign from whom he receiv'd it; but as this Relation taken and put together is enough to strike the Doctor dumb if he has any Modesty left. I shall give it at large.

*Beneplacitum est Domino super timentes eum, & in eis qui sperant super misericordia ejus; hoc & beati Præsulis Wulfstani simplex justitia, & sancti Regis Edwardi potens magnificentia sequenti miraculo declararunt, cum enim Rex Willielmus totam Insulam subdidisset, ac Rebelles quosque vel expulisset ab Insula, vel mancipasset vinctis, vel servitute oppressisset; cæpit etiam cum suis de Ecclesiasticis tractare negotiis, fecit igitur Synodum congregari præsentibus Apostolicæ Sedis Legatis Hermenfrido Sedunensi Episcopo, & Presbyteris Cardinalibus, Johanne & Petro, à quibus Stigandus, qui ut superius diximus, pollutis pedibus Sanctuariam Dei conculcaverat, omni gloriâ & honore spoliatus, & à Rege perpetuo carcere condemnatus est. Successit huic in Cathedrâ Cantuariensi Abbas Lanfrancus, Vir undecunque doctissimus, omnium etiam Liberalium Artium Divinarumque simul ac Secularium Literarum peritissimus; hic igitur, quasi Constitutus à Deo, ut evelleret & dissiparet, & disperderet, & edificaret, & plantaret Ecclesiam Anglorum, ad novam quandam speciem revocare, Legationis suæ fulsus auctoritate conatur: Cæpit autem mox corrigenda corrigere & statuenda statuere, Clericis etiam & Monachis honestiorem vivendi formam præscribere, apud hunc vir Domini Wulfstanus simplicitatis & imperitiæ accusatur, & quasi homo*  
*Idiota*



*Idiota & sine literis deponendus, Regē consentiente, ve-*  
*lut etiam hoc ipsum præscribente, decernitur; igitur in*  
*Synodo quem apud Westmonasterium Regē præsente ce-*  
*lebravit Lanfrancus; inter cætera quæ tractavit nego-*  
*tia, jubet venerabilem Virum Baculum resignare cum*  
*anulo, at vir Domini nec vultu mutatus nec animo,*  
*erexit se, & virgam pastorem manu tenens, verè in-*  
*quit, Domine Archiepiscopo, verè scio, quia nec honore*  
*dignus sum, nec huic idoneus oneri, nec sufficiens labori,*  
*sciebam hoc cùm me Clerus eligeret, cum Episcopi co-*  
*gerent, cùm me Dominus Rex meus Edvardus ad hoc*  
*Officium invitaret, ipse Auctoritate Apostolicæ Sedis in*  
*meos humeros hoc onus refudit, & per hunc Baculum*  
*me Episcopali gradu investiri præcepit, & nunc pasto-*  
*ralem tu virgam exigis quam non tradidisti, officium*  
*adimis quod non contulisti, & ego quidem insufficien-*  
*tiam non ignorans, & tuæ sanctæque Synodi sententiæ*  
*cedens, resignabo Baculum non tibi, sed ei potius cujus*  
*cum auctoritate suscepi. Hæc cùm dixisset, cum suis*  
*accessit ad Lapidem quo Gloriosissimi Regis exuvie clau-*  
*debantur, & stans ante sepulchrum, Tu scis, inquit,*  
*Domine mi Edvarde, quàm invitus hoc onus suscepe-*  
*rim, quotiens subterfugerim, quoties me, cùm quærerer,*  
*absentaverim; fateor insipiens factus sum, sed tu me*  
*coegisti; nam licet non deesset fratrum electio, plebis pe-*  
*titio, voluntas Episcoporum, gratia Procerum; his ta-*  
*men omnibus tua præponderavit auctoritas tua magis*  
*urgebat voluntas; & ecce novus Rex, nova Lex, novus*  
*Pontifex, nova jura condunt, novas promulgant Senten-*  
*tias, & te erroris arguunt qui jussisti me, præsumptionis*  
*qui consensi, & tunc quidem falli potuisti ut homo, sed*  
*nunquid modo conjunctus Deo; non igitur illis qui exi-*  
*gunt quod non dederunt, qui, cùm sunt homines, fallere*  
*possunt & falli, sed tibi qui dedisti qui jam indu-*  
*ctus in ipsam veritatem erroris vel ignorantie tenebras*  
*evasisti, tibi inquam designo Baculum, tibi curam eorum*  
*quos mihi commendasti dimitto, tibi securè eos committo*  
*cujus merita non ignoro. Ailred de miraculis Edvar-*  
*di, Col. 106.*

Per-

Perhaps this long and tedious Quotation contains more noble Observations than any in our English History ; here is contain'd the full Powers of the Regale, and all the Ecclesiastical Proceedings in the Investiture or the Deprivation of Bishops. In English it runs thus.

“ The Pleasure of the Lord is in them that fear  
 “ him and hope in his Mercy, as is evident in  
 “ these Two miraculous Instances of an humble  
 “ Prelate and a magnificent Monarch, in *Wulfstan*  
 “ and *Edward* ; for when *William* had conquer'd  
 “ this Island, and had either scatter'd, banish'd,  
 “ enslav'd or oppress'd his Enemies, he turn'd his  
 “ Thoughts towards Ecclesiastical Affairs ; he  
 “ therefore caus'd a Synod to be call'd, in which  
 “ were present the Apostolical Legate *Herman-*  
 “ *fride* Bishop of *Sitten*, and Two Cardinal Priests,  
 “ *John* and *Peter*, by whom *Stigandus* whom we  
 “ mention'd before to have profan'd the Sanctua-  
 “ ry of God, was depriv'd with Infamy, and con-  
 “ demn'd to a perpetual Prison. The Abbot  
 “ *Lanckfrank* succeeded this Man ; he was vers'd  
 “ in all sorts of both Divine and Humane Litera-  
 “ ture, and seem appointed by God to pluck  
 “ and dissipate, and in short to new-model the  
 “ English Church, and correct the Irregularities  
 “ of the Monks. Some had represented *Wulfstan*  
 “ to this Archbishop as an Ideot, a raw and illi-  
 “ terate Fellow, and worthy only to be depriv'd.  
 “ This Matter was brought to an Issue by the  
 “ Connivance, if not by the secret Commands  
 “ of the King. Accordingly in a Synod held at  
 “ *Westminster*, *Lanckfrank* commanded the Bishop  
 “ to resign his Staff and Ring, the Reverend Pre-  
 “ late, without any seeming Emotion or Disorder,  
 “ rose up, and grasping the Staff in his Hands,  
 “ utter'd these Words, I am very sensible, my  
 “ Lord Archbishop, that I was unworthy of this  
 “ Post

" Post in which I am plac'd ; I was sensible of  
 " this when the Clergy *chose* me. The Bishops  
 " compell'd me, and the King invited me to un-  
 " dertake this Concern ; *He, by the Authority of*  
 " *the Apostolick See*, cast this Burden upon me, and  
 " order'd me to be invest'd with this Staff ; now  
 " you command me to resign this Staff, which I  
 " never receiv'd from your Hands, and you pre-  
 " tend to take an Office from me you never gave ;  
 " but as being sensible of my own Inabilities, and  
 " resign'd to the Pleasure of your self and this  
 " Synod, I shall yield my Staff, but to none but  
 " those from whom I receiv'd the same ; upon  
 " which he repair'd to the Tomb of the most  
 " Glorious King, and made this Speech.

" My Lord King *Edward*, you know with what  
 " Reluctancy, and with how many Importuni-  
 " ties I undertook this Charge, and even con-  
 " ceal'd my self to avoid the Care to which I  
 " was destin'd by your Commands ; for notwith-  
 " standing I was elected by my Brethren the  
 " Clergy, had the Suffrages of the People, the  
 " Consent of the Bishops, and the Indulgence  
 " of the Peers : But your Authority, your Plea-  
 " sure urg'd me more than the rest : But as we  
 " have *a new King, new Laws, a new Metropolitan,*  
 " and new Decrees promulg'd ; they stain your  
 " Memory who commanded me to this Bishop-  
 " rick, and accuse me of Presumption in con-  
 " senting thereto : But as you might be deceiv'd  
 " when invest'd with Flesh and Blood, but not  
 " when you have an intimate Union with your  
 " Creator ; as you are above my frail and mor-  
 " tal Judges, and the Vail of Darkness taken from  
 " your Eyes, to you I resign my Staff, to you  
 " I resign the Care of those your Prudence first  
 " committed to my Charge.



I will not suppose the whole Relation to be exactly true, and perhaps the least Part of it is so. But however, we may suppose *Ailred* fram'd his Fable suitable to the Times of which he wrote, and made no Innovations in the Customs of the Church ; and therefore his Authority so far may be rely'd upon.

But who can forbear smiling to see Dr. *Kennet* gravely quote that Part of the Story which most evidently looks like a Fable, of the resigning the Staff at King *Edward's* Tomb, which I am sure he no more believ'd than the *Alcoran*, if he believ'd it so much.

But I wou'd have the Doctor observe in this Relation, the King has no Authority ascrib'd to him except what was deriv'd from the Apostolick See. So that the King acted only as Vicar to the Pope.

The Doctor, for want of good Authorities, takes up next with *Geoffery* of *Monmouth*, a Man whom the Doctor's Patron tells us had a peculiar Fancy for telling Stories surmounting all Belief : But however he is lifted into the Doctor's Band, and carries an incontestable Evidence of King *Arthur's* constituting a Bishop of *York* ; if *Monmouth* had really said so, I shou'd not think my self oblig'd to believe him. But however the Mischief is, he says no such thing ; he only relates that King *Arthur* came to *York*, found the Church destroy'd, their Archbishop expell'd, their Temples desolate, and half ruin'd by the Fury of the Pagans : Upon which he restor'd the Churches, call'd the Clergy and People together, and allotted *Pyramus* his Chaplain Archbishop of the Place.

It does not follow from hence, that he either consecrated or elected this Archbishop, because we may suppose the Clergy and People were call'd

call'd for some purpose, and for ought that appears to have the same Share as they use to have in those Cases: Indeed if the Doctor had enlarg'd somewhat farther, insisted upon the Lay-deprivation of *Saxon* the Archbishop by the Pagans, and his Incapacity by reason of Deprivation to be Canonical Archbishop of *York*, *Arthur's Right* wou'd consequently have flown from his being *de Facto* to put another in his room, and then the Doctor had equip'd out a very formidable Argument from this Celebrated Writer of Fables.

He next proceeds to quote Sir *Roger Twisden's* Historical Vindication of the Church of *England*, that a great Council was held at *Windsor* at the Desire of King *William*, and *Agelrick* Bishop of the *South-Saxons* was depriv'd, and his Bishoprick conferr'd on *Stigand*, who was ever esteem'd a Lawful Bishop without being at all question'd or disturb'd.

The Doctor has cut out the Citation with a peculiar Art; a careless Reader wou'd take this Council held at *Windsor* to have been either a Privy Council or a Parliament, whereas it was an Ecclesiastical Synod, of which *Roger (e) Hoveden* gives this Account.

“ At the Feast of *Pentecost*, the King at *Windsor* gave to *Thomas* a Canon of *Baieux*, the Archbishoprick of *York*, and to his Chaplain *Walce-*

---

(e) Die autem Pentecostes, Rex apud Vindeforium Venerando Baiocensi Canonico Thomæ Eboracensis Ecclesiæ, Archiepiscopatum, & Valcelino Capellano suo Wintoniensis Ecclesiæ Præsulatum dedit. Cujus jussu mox in crastino prædictus Sedunensis Episcopus Armenfridus Synodum tenuit, Johanne & Petro Cardinalibus præfatis Romam reversis, in quâ Synodo Agelricus Suthsaxonum Pontifex non Canonice degradabatur. *Roger Hoveden* p. 453.

“ line that of *Winchester* ; by whose Command  
 “ the next Day *Armenfride* Bishop of *Sitten* held  
 “ a Council, the Two Cardinals being gone to  
 “ *Rome*, in which Synod *Agelrick* King of the  
 “ *South-Saxons* was uncanonically depriv'd, &c.

What Advantage can the Doctor propose from hence, as (f) *Labbee* observes in his Notes on this Council, the Act was condemn'd by *Roger Hoveden* as Uncanonical, and contriv'd only to make room for *William's* Creatures.

But however this was no Lay tho' an irregular Deprivation, not unlike that of the Council of *Winchester* immediately before, in which *Agelmarus* Bishop of the *East Angles* was depriv'd, *Regali Papalique Auctoritate*, as you may see in *Antiquitates Britannicae* p. 109. The King was the first secret Mover ; but the Pope's Legate and his pack'd Council were the Deprivers : For which reason I suppose *Roger Hoveden* says it was uncanonically done. Nevertheless if it was done by the Pope, tho' never so irregularly, it cou'd be no Regal Deprivation.

This leads me to a remarkable Instance in the Council of *Winchester* of *Stigand*, who was depriv'd of the Archbishoprick of *Canterbury* as an Intruder upon the See when it was fill'd by *Robert* who was banish'd by his Sovereign.

If Dr. *Kennet* pretends, that the King nominated *Stigand*, and the Nomination was good ; how cou'd the Council draw up an Article of such a Nature against him, and make him an Intruder who was plac'd in the See by Lawful Authority.

---

(f) Quòd vivente Roberto Archiepiscopo non solum Archiepiscopatum sumpfit, sed etiam ejus pallio quod Cantuariæ remansit, dum vi & injustè ab Angliâ pulsus est, in Missarum celebratione aliquamdiu usus. *Labbee Con. Tom. 9. p. 1202.*



The Doctor has got one Testimony left behind which is easily discuss'd, he cites *Ingulphus* to prove that before *William* the Conqueror's Time, there was no Canonical Election ; but the Court conferr'd all Episcopal and Monasterial Preferments at their Pleasure.

I ask what Inference the Doctor wou'd deduce from hence ; if Preferments were regularly bestow'd before *William* the Conqueror's Time, they were irregularly dispos'd afterwards, and the Doctor must shut himself out of all Instances since the Conquest ; but if the regular way prevail'd not till after the Conquest, he must exclude himself from all Instances before.

But grant the worst, *Ingulphus* speaks only of the Collation of Benefices, which I take to be out of our Dispute.

The Doctor seems p. 154. to have just come to his Period, and to go off the Stage raving : He tells us, under the Norman Conquest, the Seisure of the Temporalities and Spiritualities, with a declar'd Incapacity of exercising any Office or Jurisdiction, was in the Right and Power of our English Princes, yet has he not given any one Instance of this Nature ; on the contrary, he acknowledges the Bishop of *Carlisle* acted after his pretended Deprivation, as a Suffragan ; which in my Opinion is exercising an Episcopal Character ; nor do I suppose he was ever Consecrated afresh.

He tells us moreover, the Affairs of the Church were debated and determin'd by Parliaments ; I believe it wou'd puzzle the Doctor in searching the Rolls to find any such thing till the last Age. I protest I can find no Instance of a Committee of Religion in *William* the Conqueror's Time.

No Independency (says he) was then claim'd by the Prelates and Clergy as a Body of themselves,

selves, or in the Name of the Church of *England*, as consisting of their Order ; but only as Catholick Members depending on a foreign Head.

I wou'd ask the Doctor some few Questions.

1. Did the Clergy of the Church of *England* ever acknowledge before *Henry VIII's* Time the Supremacy of the King in Spirituals.

2. Did they ever (as the Bishop of *Bangor* is pleas'd to assert) do Homage to the King for their Spiritualities.

3. Did they even submit, if they cou'd help it, to be tried by Temporal Tribunals ; (not that they cou'd Claim this Exemption as an Effect of their Independency) but this was a Privilege, the State ever when Christian indulg'd them, and I am sure 'tis as just that the Clergy shou'd be tried by their own Courts, as that Soldiers shou'd be tried for Crimes by their own Body of Officers.

4. Whether owning an Head independant of the King is not owning an Independency.

When the Doctor has completely answer'd these Questions, I shall be satisfied as to this Power, whether the English Clergy did not look upon the Church as independent of the State.

What the Doctor means by the Clergy's claiming an Independancy as a Body of themselves I cannot tell ; I am sure the Non-jurors claim no such Independancy ; they own themselves equally Members of the Catholick Church wheresoever dispers'd thro' the World, altho' they own no single Head of this Church but Christ.

He tells us, the Question was not who was the Supreme, the King or the Church of *England*, but who in Spirituals shou'd be obey'd, the King or the Pope ?

Surely it amounts to the same, if the Clergy own'd the Pope, as Head of the Church of *England*, to be the Supreme in Spirituals : They in effect

effect acknowledge the Church to be superior to the State in Spirituals.

However (says he) this *Ecclesia Anglicana* was subject to the King and Parliament, and if any Bishop refus'd to submit to their Authority and persisted in it, he was incapable of holding any See in England.

For this he produces another faithful Relation of Sir Roger Twisden's, which by the by has not one Word of a Parliament, and even this Story is manifestly false. He says, *Geoffery* Archbishop of York was depriv'd of his Archbishoprick by *Richard I.* and for this he quotes *Roger Hoveden*.

(g) But this is false, for he was suspended by the Pope, as appears in his Epistle to *Simon*, Dean of York. viz. "Whereas the Archbishop of York  
" by his Contumacy has abus'd our Patience, and  
" still persists in his Iniquities, nor has appear'd  
" before us; and is therefore suspended from  
" his Episcopal Office and the Use of the Pall,  
" and from all his Temporal and Spiritual Juris-  
" diction by our Authority, &c.

He afterwards went to Rome, was restor'd by the Pope, as *Roger Hoveden* tells us, p. 766. But the King having seis'd his Temporalities, and being enrag'd with him he dare not set his Foot on the English Shoar.

But however what is this to the Doctor's purpose, was the See fill'd up by any other? was

---

(g) Inde est quòd cùm Eboracensis Archiepiscopus ejus actibus exigentibus & contumaciâ faciente, qui abusus patientiâ nostrâ, neque à suis iniquitatibus destitit, nec nostro se conspectui, indulto sibi misericorditer termino præsentavit, ab usu pallii & Episcopalis Officii executione, à ministratione quoque tam spiritualium quam temporalium, & beneficiorum perceptione nostra sub autoritate suspensus, &c. Cœlestini Ep. ad Decanum Eboracensem ap. Labbe Tom. 10. p. 1781.

not



not *Geoffery* look'd upon by his Clergy as Archbi-  
shop, notwithstanding he was detain'd from his  
Native Country.

*Sir Roger Twisden* lays the whole Stress upon  
*Hoveden's* mentioning the Spirituals, whereas that  
his Historian meant no more than that he was  
depriv'd of the Power of exercising his Spirit-  
ual Offices in Person within his Diocess, by rea-  
son of his Banishment.

'Tis pity we have not in *Rymer* the King's Writ  
for his Restitution to his Temporalities; howe-  
ver this may be a kind Hint to *Dr. Kennet* to forge  
one.

The Doctor proceeds with some odd Testimo-  
nies, in my Opinion very little to the purpose;  
the Institution of a Christian Man was put forth  
by that Power to which the Doctor in all Cases  
will not submit, nor am I mov'd with an impious  
Declaration of those Men who gloried in Crimes  
of an uncommon Nature, who rob'd God of his  
Honour, plunder'd Churches, and left indelible  
Marks of Shame and Scandal behind them. Our  
Enemies have gain'd too much Advantage alrea-  
dy by our Fathering upon the Church of *England*  
all the Enormities of *Henry VIII's* Reign; for my  
part I disown a King to be of my Commu-  
nion, who cou'd burn Men for not subscribing  
to such an Article as this.

“ As touching the Sacrament of the Altar, we  
“ will that all Bishops and Preachers shall instruct  
“ and teach our People committed by us unto  
“ their Spiritual Charge, that they ought and  
“ must constantly believe, that under the Form  
“ and Figure of Bread and Wine, which we there  
“ present do see and perceive by their outward  
“ Senses, is verily, substantially and really con-  
“ tained and comprehended, the very self-same  
“ Body and Blood of our Saviour Jesus Christ,  
“ which

" which was born of the Virgin *Mary*, and suf-  
 " fer'd upon the Cross for our Redemption; and  
 " that under the same Form and Figure of Bread  
 " and Wine, the very self-same Body and Blood  
 " of Christ is Corporally, Really, and in very  
 " Substance exhibited, distributed and receiv'd of  
 " all them which believe the said Sacrament. See  
*Coll. Eccl. Hist.* p. 2. p. 129.

These Articles were sign'd by 18 Bishops,  
 amongst whom was *Cranmer*; and in this Eccle-  
 siastical List, before even the Archbishop of *Can-*  
*terbury*, is *Cromwell* a Lay-man plac'd, to the  
 eternal Dishonour of a Metropolitan of all *Eng-*  
*land*.

To what purpose does the Doctor proceed far-  
 ther upon such Topicks. The King's Translating  
 to Diocesses, and adding one part of a Diocess to  
 another, was only to pave way for the Scene  
 of Sacrilege which follow'd afterwards, and has  
 been the Parent of all those Confusions we have  
 since labour'd under: The Sum of the whole  
 Story was this, the Pope had swallow'd up all  
 the local Customs of the English Church in par-  
 ticular, and had engross'd the Rights and Privi-  
 leges of the Catholick Church in general. *Hen-*  
*ry VIII.* indeed lopp'd off all his Power in *England*  
 at one Blow; but he did not destroy this into-  
 lerable Supremacy, but only transfer'd it to him-  
 self, we had a Lay Tyrant over the Church  
 instead of a Spiritual one, and we found the  
 Yoke more insupportable under our new Masters  
 than the old, till God open'd a Way to deliver  
 us by Change. The mild Disposition of the *Stuarts*  
 cou'd not abuse this Supremacy, for which reason  
 we slept under it as a soft and easy Pillow till  
 King *James's* unfortunate Reign.

These Translations therefore, as us'd by the  
 Popes, suited King *Henry's* Genius very well; the  
 L Glean-

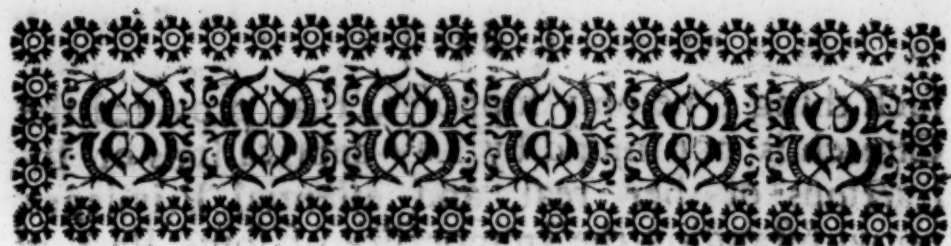
Gleanings by the removal fell into his Lap, and he made a secure Gain, without Fatigue and Hazard.

Lower had we been still reduc'd in future Reigns, if the Word Damnation had not subdu'd the Heart of an haughty Princess, who seem'd once to regret that *Henry VIII.* her own Father, had been before her in the pious Work.

To conclude, I have gone through the Doctor's Mazes, subtle turnings and windings; I flatter'd my self, I have open'd his Imperfections to the World, and leave them to judge who most deserve to have *Henry IV's* Law against Leasing put in Execution against them; so desiring the Reader to run over this Performance with an impartial Eye I bid him adieu.







## A P P E N D I X.

**M**R. *Marshall* begins his Treatise with so much Choler and Indignation, that I was glad to entrench behind Dr. *Kennet* by way of *Appendix*, to avoid his terrible Charge. The Gentleman puts me in mind of some Actors upon the Stage, who work up their Passions to such an height, as even to believe themselves in earnest. I am very well satisfy'd he was not always the same Man he pretends to be now ; and that when General *Wills* made an Attack upon *Preston*, he frightened Mr. *Marshall* into a Surrendry of his Principles at Discretion. But however, he knows handsomly how to retreat from his past Conduct, and to tread with Art a Path unknown to him before.

A common Custom prevails in these Days (but whether the Author or the Bookseller is most to blame I cannot tell) to put out false Title-Pages, as Dr. *Kennet* in his Third Letter is a notorious Instance, and so is Mr. *Marshall* in this pretended Defence.

The Second Article in the Title-Page, is the Opinion of Dr. *Hickes* for the Lawfulness of joining in a Worship suppos'd to be immoral in some of its Parts and Offices.

This is so ambiguously express'd, that at the first any Reader wou'd understand it that Dr. *Hickes* maintain'd the Lawfulness of going to a Church where immoral Prayers are us'd, and seeming to join in all the Parts thereof, whereas he says no  
L 2 such

such thing ; he only supposes, that provided the Church is not injur'd by Lay-deprivations or Infractions of her real and essential Privileges, notwithstanding the Immorality of some Part of the Worship, a Person shewing manifest Signs of Dissent from the immoral Part may join in the rest.

He does not encourage you to say *Amen* for an Usurper, nor to kneel upon your Knees and lift up your Eyes to Heaven to a Prayer you abominate in your Heart.

But even in this that Reverend and very Learned Man seem'd not at that time to apprehend one Objection, that such Prayers cou'd not be impos'd upon the Church without a manifest Violation of its Rights. The Liturgies are establish'd by the strongest Church-Authority, nor can any Usurper break into them by adding Prayers of his own, without a most grand Violation of the Rights of the Church.

But however, if Mr. *Marshall* design'd a Reflection upon this very worthy Man, it is a Reflection which may be cast upon the best of Men, it was a nice piece of Casuistry unhandled before the Revolution ; and the Doctor might alter his first Sentiments thereof, upon a more mature Deduction of Consequences. What can Mr. *Marshall* mean by his Insinuations, but to blast the Memory of the best Friend he had in the World, and sacrifice that with all the rest to his Ambition.

II. He shews his Ignorance in his 10th Page, to call the Deprivation of the Bishops at the Revolution a Synodical Act. Surely it was a very unfair Synod to have Ten Lay-men to one Bishop therein ; and surely it was very uncanonical in the same Synod to depose their own Metropolitan unheard ; or rather, to leave him to the Mercy of a common Court of Judicature to be Depriv'd.

I wou'd ask Mr. *Marshall* whether any Historian ever call'd an House of Lords a Synod? Whether *Labbe*, *Binius* or *Peter Crab* have digested their Ordinances amongst the Councils.

To what purpose is a Convocation, or why do they meet, if the House of Lords is an Ecclesiastical Synod.

Surely this Synod is wretchedly clogg'd with Ten Lay Lords to one Spiritual, and with a House of Commons besides; the Church is in a fine Prospect, and may depend upon being outvoted upon any occasion. Moreover, by this time a Parliament is a full compleat Ecclesiastical Synod; and, *vice versâ*, an Ecclesiastical Synod is a full and compleat Parliament.

But Mr. *Marshall* does not consider, that provided the Bishops Presence must wherever they be, and in whatsoever Capacity they are, constitute a Synod, that a Tavern may lay as good a Claim to be an Ecclesiastical Synod as an House of Lords.

I wou'd have him consider they meet as a Great Body of the Representatives of the Nation, and they have the Temporal Concerns of the Clergy to provide for in that Assembly.

But tho' Mr. *Marshall* makes their Presence constitute a Synod, he nevertheless assigns them no better Post than to be Porters to the Grand Assembly, and carry to 'em the Sense of the Lower Clergy, p. 11.

I would ask Mr. *Marshall* an inoffensive Query.

Provided all the Bishops had dissented to that Act, and yet the Bill had pass'd by a Majority in the House of Lords, whether it wou'd not have been hard to call it a Synodical Act, to which not one Clergy-man set his Hand.



It would be equally hard likewise that a Majority of Lay-men should prevail over a Majority of Bishops in Ecclesiastical Affairs.

Yet all these Consequences flow from the Supposition that the House of Lords is a Synod.

But farther, Mr. *Marshall* is pleas'd to tell us not one Bishop dissented to this Deprivation.

But I would advise him carefully to observe two things.

1<sup>st</sup>, That these Bishops could not act as a Synod, because not summon'd by the Metropolitan, nor confirm'd by him, but call'd purely by secular Writs, which is expressly contrary to all the Canons; as it was also to act as a Synod without their Metropolitan.

2<sup>dly</sup>, This could be no synodical Deprivation, because the Bishops were not cited to appear, nor did any special Act of the suppos'd Synod declare what Persons had forfeited their Ecclesiastical Preferments by the Act.

3<sup>dly</sup>, Mr. *Marshall* tells us p. 13. That in Queen *Elizabeth's* Time an Act of Parliament did *ipso Facto*, deprive any Bishop or Archbishop; from whence he would conclude that Bishops might be *ipso Facto* depriv'd by a Parliament; but I can give him an Instance of an Act of Parliament in Queen *Elizabeth's* Reign, that any Person who should lay Hands upon another in a Church-yard, should be deem'd *ipso Facto* Excommunicate, but I should be loath to conclude from thence that a Parliament can *ipso Facto* Excommunicate.

The same Act as Mr. *Collier* observes *Eccl. Hist.* Vol. 2. p. 322. reaches to the most solemn Exercise of the Power of the Keyes, for it declares that such Persons shall be excluded from the Fellowship and Communion of Christ's Congregation.

4<sup>thly</sup>, Mr. Marshall tells us p. 16. 17. Synods are not the same in these Times as they were formerly, and that diverse Matters were then Cognisable by Synods, which now are determin'd elsewhere.

I would ask here what he means, or whether he ever consider'd the nature of an Ecclesiastical Synod; a Provincial Synod acts in Subordination to a National one, and a National Synod in Subordination to a General Council; these have all a mutual Relation to each other, tho' perhaps at certain Times they have no Existence; a Convocation therefore can no more give up the Rights of any Part of the Catholick Church, then a Committee of an House of Commons can give up the Rights of Parliaments: Such Matters therefore as were Cognisable before Synods are so still, and cannot be transfer'd to Lay-courts.

5<sup>thly</sup>, Mr. Marshall has borrow'd a Quotation from *Socrates*, out of the Writings of a Modern Bishop, and it stands false even there; *Socrates* is produc'd to prove that the Church depended upon the State, whereas the Words shall be set down at large for the Readers Information.

\* ' We have, *en passant*, treated of the Affairs of  
' the Emperors, because from the beginning of  
' Christianity the Affairs of the Church have been  
' influenc'd by them, and the greatest Councils are  
' and have been called by their Consent or Appro-  
' bation; I shall also treat of the *Gentile* Supersti-  
' tion, because the Tranquility of the Church has  
' been variously affected thereby.

---

\* Σωκράτης ὃ καὶ τὰς βασιλεῖς τῇ ἰστορίᾳ περιλαμβάνοντι, διό-  
τι αὐτὸς ἡ χριστιανίζουσα ἡξάντο, τὰ τῆς ἐκκλησίας πράγματα ἡξ-  
πτο ὡς αὐτῶν, καὶ αἱ μέγισται συνόδοι, τῇ αὐτῇ γνώμῃ γινόμεναι  
τε καὶ γίνοντο. καὶ μὴ ἀλλὰ καὶ χριστιανισμὸς μὴ μὲν πεποιημένα,  
διότι τὰς ἐκκλησίας ἐπεφύκει, Socr. Eccl. Hist. Proem. lib. 5.

I take it for granted this equally proves, that Christianity depends upon Heathenism as upon the State.

If Mr. *Marshall* had but taken the Pains to have read *Socrates*, he would have understood the Historians meaning, which is as plain as any Passage in the whole Book : Do we not all know the Church is variously affected by Revolutions in the State. But what is this to Dependence upon the State in relation to her intrinsic Powers.

6thly, Mr. *Marshall* quotes *Justinian*, and seems never to have read him ; he says *Justinian* anathematized all Heresies, and consequently he was the judge of Heresy. But if Mr. *Marshall* would but have taken pains to have read the Edicts to the end, we shall find he only curs'd those the Church had curs'd before, or should curse hereafter ; and them he threatens with the Vengeance of the secular Power.

“ If any (says he) wilfully shall be found by the  
 “ most lov'd of God, the Bishops, to maintain  
 “ Notions contrary to this Faith, let them expect  
 “ no Pardon from our Hands ; but be dealt with as  
 “ Hereticks convicted. *Just. Cod. lib. 1. Tit. 3. l. 47.*

Surely from hence no Spiritual Judicature can be deduc'd ; neither did *Justinian* command his *Præfect* to deprive such Bishops who should Ordain others lying under his Prohibition ; he only says they should be depriv'd as unworthy of that sacred Office : But how the Proceedings should be carried on against them is not there determin'd. Moreover, this is a plain Proof, the Regale had not absolutely obtain'd, even in his *Reign* ; because, if he had recommended the Persons to be Ordain'd, the Edict would have been more directly levell'd at himself than the consecrating Bishop, who perform'd that Office by virtue of the imperial Edict.

He



He tells us of an Act of Parliament 1 *Eliz.* which only speaks of the Corrections of Heresies, but I would desire Mr. *Marshall* to distinguish between correcting Heresies when defin'd by the Church, and judging authoritatively what Doctrines are tainted with Heretical Pravity.

VII. Mr. *Marshall* was not thoroughly vers'd in the Story of *Silverius* Bishop of *Rome*; the Deprivation by *Belisarius*, and the Bishops Conduct, seems not to have been thoroughly understood by him. But I shall give it the Reader as related by *Labbee*, and the *Pontifical*, and *Binius*. See *Labb.* Tom. 5. p. 288. 289. “*Silverius* was thrust into  
“ the See by *Theodatus* the Goth. But the People  
“ of *Rome* to avoid a Schism submitted to the Go-  
“ thish Regale; In the mean Time *Augusta* at  
“ *Constantinople*, tamper'd with *Vigilius* upon cer-  
“ tain Conditions to make him Pope, which he  
“ gladly submitted to: But coming to *Rome* to  
“ push his Fortune for the Popedom, he found  
“ *Silverius* there before him. However, the  
“ Empress did not extinguish her Anger, but  
“ urg'd *Belisarius* to prosecute him to a Depriva-  
“ tion, which was done with all the Marks of  
“ Violence imaginable, and *Vigilius* intruded into  
“ his See, and the poor Prelate a Sacrifice to a  
“ Woman's Revenge, was banish'd to *Pontus*,  
“ where he was fed with the Bread of Affliction,  
“ says the *Pontifical*. His Conduct was like a Pri-  
“ mitive Bishop. *Sede Pontificia dejectus, & in Ex-*  
“ *ilium Relegatus, usque ad Consummatum Martyri-*  
“ *um, verus & legitimus Pontifex permanferit actus-*  
“ *que Pontificios quos potuit exercuerit.* From his  
“ Deprivation to the Day of his Martyrdom, he  
“ acted in his Banishment as a lawful Bishop, so  
“ far as Opportunity would give him leave.

I will not insist upon what is said farther, that *Vigilius* voluntarily after *Silverius's* Death, abdicat-

ted the Pontificate, and submitted to a new and more canonical Choice ; because Mr. *Marshall* will say 'tis all partial Popery ; but I cannot tell how the Six Days Vacation after his Death should be accounted for, as *Vigilius* had otherwise an uninterrupted Possession of the See before and after,

This is the whole Account which can be depended upon as Truth ; but Mr. *Marshall* without citing one Ecclesiastical Historian has made bold to banish him Twice, to make *Justinian* restore him, and send him into Banishment again. Tho' the Pontifical, *Binius*, *Labbee*, and *Platina*, mention no such thing.

Mr. *Marshall* Dissembles, or is Ignorant that *Vigilius* was look'd upon as an Intruder, till he had abjur'd all ill Imputation, and had given Assurances of proving an Orthodox Possessor of the See. See *Binn. ap Lab. Tom. 5. p. 308.*

But let the Story run as Mr. *Marshall* pleases, I am very sure *Justinian* is no Precedent for us ; a Prince sold to Injustice, Avarice and Oppression ; and of whom *Evagrius* says, that he is gone to Hell.

'Tis with no small Pleasure I see this Schism Writer play the Part of my Lord *Tumont's* Cocks. The Bishop of *Bangor* falls upon Dr. *Bennet*, and Mr. *Marshall* upon the Bishop of *Bangor*. Yet these Men are all Positive they have hit upon the Scheme ; they puzzle their Heads, and are very confident good Preferments must be Orthodox. But to reconcile the Story, every Man has his peculiar *Nostrum*, and yet like different Brooks they all run into the same Sea. Mr. *Marshall* thinks to rub on without splitting upon *Bangor*, with the help of external and internal Powers of the Church ; which Distinction alas does him more Hurt than Good.

For

For all Power is internal, because it is invested in the Subject of that Power ; therefore the distinction of external and internal Power is ridiculous ; but the exercising of such Power may be external or internal : By external I mean organical Action, and by internal the Powers of the Soul ; to apply this to our Dispute, giving Orders, administering the Sacraments : Excommunication are all external Powers, because they inseparable from external Actions, and are exercis'd on external Objects. If a Prince has an absolute Government over the external Actions, he may by the same Right forbid a Person to receive the Eucharist, as forbid any one to give it ; and if a Man has a Right to Exercise Powers deriv'd independantly of the Prince, he cannot Limit or Restrain such Powers, without having a Power Superior to that ; which he has not by the Hypotheses.

But a Synod may restrain the Exercise of the Episcopal Office, and a Bishop may restrain his Priest ; because from the College a Bishop first receives his Jurisdiction, and from a Bishop the Priest receives his Orders.

IX. Mr. *Marshall's* reducing the depriv'd Clergy to the State of unprefer'd Clergy-men is ridiculous, because by Preferments Mr. *Marshall* must mean only the Temporals, or he means nothing. But our Dispute is not about the Tithes of *Kentish-town*, but of the Duties Incumbent upon a Pastor in relation to the Souls of Men : From whom he receives the Obligation to take care of their Souls, and to whom he must resign the same : If Mr. *Marshall* makes no more of the Souls of Men than of Beasts at *Smithfield*, and invokes the Name of the eternal God only to be Rich, I have no more to say ; but a Pagan Priest would Tremble at offering those Affronts to his Wooden Gods, which



so many of us offer daily to the Omnipotent Governor of the World.

X. Mr. *Marshall* appeals to the Primitive Practice for praying for the Regnant Prince to little Purpose: The Revolutions of the Roman Empire were very rapid and sudden, an Usurper was either Dead, or the only Regnant Prince in a short period of Time. But if we may believe *Tertullian*: *Albinus* and *Nigrinus*'s immense Force was encourag'd by no Rebel Christians; though they bore Arms for the Defence of their Country, they took care to have no active Hand in bringing about Revolutions.

As for the Prayers, they proceeded in the usual Form, without mentioning any Name; but Mr. *Marshall* notwithstanding this, raises a Chimera purely his own; that if a Christian Bishop had refus'd to pray for the Regnant Prince, or avow'd the Interest of a dispossessed Rival, when the Senate and People had all submitted to a Regnant Prince, this Regnant Prince (says he) would have ejected such a Bishop out of his Throne, and order'd his Collegues to proceed in the Election of another. For my part I do not think Mr. *Marshall* does any great Honour or Service to his Cause, to put its Patrons upon the same Foot with a *Vitellius*, a *Decius*, or a *Maximinian*: Nor on the other side, do I believe one of those Tyrants upon the least Intimation of avow'd Disaffection in a Christian Priest or Bishop, would have insisted upon his Deprivation; but have sent him to Sup with the Lyons immediately; and would have been so far from sending to the College to elect another, he would have sent the whole College after him to bear him Company. Does Mr. *Marshall* think the Heathen Emperors were anxious about the Regale, and that their Minds ran upon filling vacant Bishopricks?

XI. *Mr. Marshall* is mistaken to say that *Paulus Samosatenus* was ejected by *Aurelian*, when he stood convicted of Heresy by a Synod ; by this he would insinuate, that the Synod only found the Bishop guilty of Heresy, and the Emperor depriv'd him, whereas he was fully and completely depriv'd by the Synod and excommunicated ; but as he refus'd to quit the House, which I suppose was all the Temporalities which belong'd to the See at that Time, they applied to the secular Arm to have him ejected. What is here like a Lay-deprivation, and yet would not the incautious Reader understand him in that Sense, without my Comment to help out the Sense, or at least to detect the Fraud.

XII. *Mr. Marshall* cannot distinguish between Nominations and Deprivations, p. 28. he wonders why the Church may not part with one as well as the other : But I will easily state this Difference if he will be pleas'd to stay and hear me out.

Nomination is no more than recommending a Person to be elected, and it remains still in the Churches Breast, whether such a Person shall be consecrated or refus'd. Besides, Nomination is previous to the Spiritual Contracts between a Bishop and his Flock, but Deprivation taken in such a Sense, as *Mr. Marshall* pleads for, dissolves this Relation, and discharges the Clergy and People of the Spiritual Obedience they owe to their chief Pastor, which can no more be dissolv'd by the State than the Relation between Man and Wife.

The Church cannot transfer Spiritual Powers to the State by any Concordate ; she cannot give Licence to a Prince to ordain, unless the Prince himself is first ordain'd by her. For my part, I cannot see but the Parallel between Matrimony and

and the Contract between a Bishop and his Flock, are exactly the same in all their Parts ; therefore *Mr. Marshall* may easily see the Difference between Nomination and Deprivation ; they are not Opposites of the same Species, but of a different Nature, the first may be resisted by the Church, and the latter wou'd over-power even her with irresistible Force.

XIII. *Mr. Marshall* out-does himself in asserting that Bishops hold their Temporalities and Spiritualities of the Crown ; if such a scandalous Commission was taken out in *Cranmer's* Days, it surely ought to be no Precedent to a Christian Church, since I assure *Mr. Marshall* I shou'd wash my Hands of a Church modell'd after *Henry VIII's* Form : He went Lengths beyond even the Modesty of the Devil, and was in short not one ace from usurping the whole Priestly Office. Why was *Cromwell* placed in the List of the Subscribers to the Six Articles immediately preceding the Archbishop in the Ecclesiastical Column, but to tell the World that *Cromwell* was a Spiritual Person, tho' he was consecrated by none but *Henry VIII* ? Why then might not that pious Monarch have proceeded one Step farther, and added to his other Sacrilege, the Crime of invading the sacred Offices of Religion. We shall find he claim'd this Power, and usurp'd the Episcopal Function, tho' he was not invested with the Episcopal Habit.

If *Mr. Marshall* will consider, he will find his rash Assertion of the Spiritualities flowing from the King is really investing him with the Power of Ordination, Baptism, &c.

Spiritualities in my Opinion are Powers confer'd by the Spirit, that is, they are such Powers as were confer'd upon the Apostles by the Holy Ghost, and are continu'd down to us this Day. The Consequence from hence is plain.

Mr.



Mr. *Marshall* was more modest before, whatever made him retract it afterwards ; he suppos'd Jurisdiction to be of a civil Nature, and therefore a Branch of the Crown ; but when he turns all into a meer Spirituality, and confers it upon the Crown the Sacraments and Ordination are not far from the Prince.

XIV. Mr. *Marshall* seems to have no Notion what Bishops at large mean ; he has Translated St. *Cyprian*, and yet does not understand him ; Preferments run continually in his Head, and an everlasting Thirst after Gain turns all his Arguments that way. Mr. *Marshall* ought to know, that a depriv'd or suspended Bishop is no Bishop at Large, because he has not Authority to exercise his Episcopal Powers in any Part of the World, whereas a Bishop at Large is a Member of the Episcopal College, and acts as such in those Parts of the World where no Diocess, or at least Catholick ones, are to be found. Such was *Eusebius* of *Vercelli* (i) who travell'd over the Eastern Churches infested with Arianism, and *Frumentius* was sent also (k) by *Athanasius* to the Indians, in which Case *Athanasius* acted as a Bishop at Large, in sending *Frumentius* beyond the Extents of his own Province.

A College of Bishops are the same to that District to which they belong as a single Bishop is to a Diocess, and such were the Bishops of *Scotland* in antient Times.

I wou'd therefore have this Gentleman consider, that a depriv'd Bishop is not a Member of the College, for the College is the Church Regent in which he has no Share.

---

(i) Socrat. Eccles. Hist. lib. 2, c. 7.

(k) Socrat, lib. 1. cap. 15.

XV. Mr. *Marshall* professes he does not know what Catholick Successor means, which confirms me still more in my Opinion, that the pretended Translator of *St. Cyprian* never read that Author ; the Word Catholick is very well known, 'tis the same in the Church as it is in the World. As there is a general Law of Nations, which obliges all Mankind, and the Municipal which belongs to each particular Division ; so in the Church there are Universal or Catholick Customs, and the local Customs of every Provincial Church. Dr. *Hickes* therefore meant by Catholick Successor one who succeeded by the Rules of the Catholick Church, and not according to the local Customs of a particular Province, as *England* certainly may be call'd.

But these local Customs are not of an inviolable Nature ; the Church may take away Diocesan Districts, and by common Consent govern the Church by a College ; but to urge from hence that the State has such a Power is no good Consequence, because the Jurisdiction of a Bishop is of a Spiritual Nature, and none but the Spiritual Power can take it away. The Care of Souls is Authority deliver'd to exercise all the Powers of the Spirit confer'd upon the Ministers of the Church, which are necessary for that purpose ; this Spirit has promis'd to be with the Clergy to the End of the World ; and if the State can authorize you to exercise the Powers of this Spirit, the State may also exercise such Powers, and consequently administer the Sacraments, ordain, confirm, and the like.

But I was surpriz'd to find the Translator of *St. Cyprian* seem a Stranger almost to Catholick Bishops ; he says p. 33. " They have indeed been  
" mention'd in the Close of the Novatian and  
" Donatist Schisms ; but a Succession so kept up

“ is utterly unpresidented.” I might here take Advantage of his loose unguarded manner of expressing himself, but I shall wave that Point, and only observe to him, that a Succession of Catholick Bishops is not so unpresidented. If Mr. *Marshall* wou’d be pleas’d to consult Mr. *Collier’s Ecclesiastical History*, Vol. 1. Book 3. p. 156. he would find it there sufficiently prov’d, that such a Succession continu’d in *Scotland* above 200 Years.

XVI. Mr. *Marshall* has made bold to steal some of the Bishop of *Bangor’s Preservative* and convert it to his own Use, which is by no means agreeable to the Laws of Polemicks; and he had the least reason to steal that Part, because it was the most insipid in the whole Book, and is founded upon a Pagan Supremacy into the Bargain. Here is a wild supposition laid down, of a Concordate between a Pagan Emperor and a College of Christian Bishops: That at the Desire of his Heathenish Majesty, such a Bishop for not admiring his Title because it was founded upon Rebellion, shou’d be discharg’d of the Spiritual Relation between him and his Flock; shou’d not thenceforward administer the Sacraments, ordain and confirm: But provided they comply, he will grant them Leave to proceed to the Choice of another Bishop, otherwise they shall not have his *Conge de lire* for that Purpose, (O! compendious way of destroying Christianity) the Bishops strike in to save the falling Church, thank the Idolater for his Care of their Spiritual Concerns, and desire him to recommend one whom he shou’d think fit for that Post.

I do not at all question, but if *Nero* had found out this Secret, and where the Shoo pinch’d, he wou’d have made *Spiridion* Bishop of *Rome*, and made excellent Sport with the *Regale*.



What Provision Mr. *Marshall* has made against these Inconveniencies I cannot find: He abounds very much in Contradictions; in some Places the Supremacy is a Branch of the Civil Power, in others 'tis a Scriptural Power, and in p. 36, 37. 'tis a Concordate between the Church and the State: For, says he, when a *Nero*, or *Julian*, labours to destroy the Church, the Incorporation ceases, and the Church wou'd be reduc'd to the Condition wherein she subsisted for the first 300 Years; from whence I conclude, the Church had at first peculiar independent Rights, which she afterwards by Concordate transferr'd to the Civil Power, and may in some Cases resume them again. The Nature of a Contract is such, that it must depend upon mutual Conditions on both Sides; if either fail, the Contract ceases, and both Parties remain as before, unless an Umpire is constituted and empower'd to declare the Contract Void, or to inflict Penalties upon the first Violator; but if no such Umpire is constituted, and no Penalty ordain'd, such a Contract is no more than a voluntary Association which each Party may recede from when they please.

By this time Mr. *Marshall* has been so kind as to give the Church Leave to resume this Depriving Power, and all other Rights of the Church when she pleases.

From whence I conclude, the Contract on the Part of the State cannot extend to empower the Civil Magistrate to affect the Body of the Church, to destroy Episcopacy or to suspend it for a Time.

The Church therefore, as it has a Power of Resumption, must have an independent Body in it self, which can act upon occasion, resume the Supremacy, and turn the Prince out of his Post.

But this Body only can consist of Bishops, whom  
if

if he deprives, he acts contrary to his Compact and against the Hypothesis laid down, and consequently he ought not to be obey'd.

XVII. Mr. *Marshall* is to blame to charge the Church of *England* with being founded upon a Lay-deprivation, because 'tis false as to Fact. The Lay-deprivation ought more truly to be fix'd upon Queen *Mary*, *Cranmer* was depriv'd by a Lay-Power; for the Dean and Chapter gave out Commissions to several Persons, to exercise Archiepiscopal Jurisdiction in their Names, and by their Authority, upon Presumption that the See was void by his Attainder, which was in plain terms proceeding upon the Authority of a Lay-deprivation, as you may see plainly prov'd in *Collier's Eccles. Hist. Vol. 2. p. 354.* *Latimer* and *Ridley* were degraded also by an incompetent Authority, by a Commission from the Pope's Legate, so that more truly the Schism began in Queen *Mary's* Reign, and Queen *Elizabeth* brought the Affairs of the Church to their proper Channel from which they had deviated; but as to *Edward VI's* Reign, no Schism cou'd commence from the Deprivation at that time, nor was the Case of those Depriv'd Bishops parallel with what has happen'd since.

The scandalous Commissions they took out from the Lay-Power was in effect a Compact to resign their Bishopricks at the Pleasure of the Prince, and *Bonner* particularly who had taken out such a Commission, submitted to the Sentence, never protested against the Authority, nor acted as Bishop of *London*, nor claim'd any Episcopal Authority in the Church of *England* till Queen *Mary* came to the Crown; and therefore their Deprivations were properly their own Acts.

Thus it is plain that the Reformation cannot afford an Instance parallel with ours here at this time, the Contest is quite upon another Foot,

and attended with utterly different Circumstances.

XVIII. Neither is the Case of *Abiathar* parallel with any Dispute now on Foot of this nature; the Jewish Ecclesiastical Polity was utterly different from the Christian, and was rather of a Civil Nature than equivalent to ours at this time, and may properly be call'd Part of the Political Constitution of the Jews; their establish'd Religion was work'd up and incorporated with the State, but ours can subsist independently thereof; their High Priest was of no Use but in the flourishing State of their Empire, and the Destruction of their Temple and of their Priesthood went hand in hand together; without the Temple cou'd be no Sacrifice, and without Sacrifice there cou'd be no Priest, *i. e.* his Name and Character was lost without Employ.

From what has been said I conclude, that a Jewish Prince, without any Hurt to our Scheme, might deprive an High Priest.

But what is this to our Case, Bishops are constituted by a particular Command of God, without any regard to Civil Polity; for as the Jewish Dispensation consisted of Three Branches, Ceremonial, Political and Moral all at that time instituted by the particular Command of God, and consequently of Divine Right; we have but one, which is a Religious Establishment exactly copy'd after the Civil tho' independent thereof; we have an obvious Plan of a Christian Society laid down in Scripture; the Powers by which a Christian Priest acts are deriv'd from above; depend not upon the Mutations of Empire Persecution, Storms and Tempests, but must endure to the End of the World; and therefore it is reasonable to suppose God has left his Church self-subsisting Principles to preserve its Being.

But



But however, I believe it will be very hard to prove, that *Abiathar* was depriv'd according to the extent, as Deprivations go at these Days. His Banishment of course restrain'd him from the Exercise of his Office ; but as Mr. *Marshall* has very well observ'd, such a restraint could not take away his Right. A Christian Bishop cannot be so restrain'd, but his Influence will extend from *Pontus* to *Rome* ; he Sacrifices by the Mediation of his Priests, even in the most remote Parts of the World ; he prays with them in his Chains, and in his most dark and loathsome Confinements. *Abiathar* therefore might be said to be depriv'd of his Priesthood, because he was depriv'd of his priestly Exercise, which a Christian Bishop cannot be, by any secular Power.

XIX. Mr. *Marshall* has exceeded all Bounds of Modesty in his dealing with Dr. *Hickes*, and has father'd upon him that which he never said, he quotes Dr. *Hicks*, that every publick Act the Clergy declare is a Church Act ; from whence he would infer that the Deprivation of the Bishops, because publicly acquiesc'd in by the Body of the Clergy, was a Church Act ; whereas Dr. *Hickes* only meant, that the Act was to be imputed to that Body of the Clergy as their own ; if they publickly own'd the same without mentioning one Word of the Legality or canonical Validity of the said Act ; because in that very Place he argues against the same, and charges that Church with Heresy who should publickly own, either the Dependency of the Church upon the State, or the deposing Doctrine.

XX. Mr. *Marshall* has wrong'd Mr. *Kettlewell*, and quoted him false in two Places ; first he makes him deny the Validity of Synodical Deprivations ; whereas he only says, " neither a State Deprivation, nor a Synodical Deprivation, had there  
" been

“ been one, can discharge a Bishop from stand-  
 “ ing up to keep off Damage and Danger to Re-  
 “ ligion, or to the Souls of Men ; or from pre-  
 “ venting their being nurs’d up in immoral Pra-  
 “ ctices and Devotions. *Chr. Com. pt. 1. p. 2.*

He does not oppose synodical Deprivations indefinitely, which Mr. *Marshall* would represent to the World ; but he pleads for the indispensable Duty of every Christian, to withstand immoral Practices and Devotions. But as immoral Terms of Communion where they are suppos’d to be, spread a Contagion over the Face of that Church, and render the same no longer a Part of the Catholick Church. No Acts of that Church can be look’d upon as Synodical, any more than a Society of *Arians* met together, could be call’d a Synod.

2dly, He makes Mr. *Kettlewell* acknowledge that Allegiance refus’d by the Clergy to a rightful State, is such an Offence against it, as may justly be punish’d by the State, so offended, with Deprivation.

As this is a most scandalous raking into the Ashes of the Dead, and tarnishing the pious Memory of a great good Man, I shall transcribe as much as relates to the Purpose of exposing this gross Prevaricator.

‘ Allegiance in it self is a Moral Duty. And if  
 ‘ this is refus’d to a rightful State, it is not only  
 ‘ an Offence against Morality and Religion, *which*  
 ‘ *Spiritual Judicatures and Synods, may punish with Ca-*  
 ‘ *nonical Depositions :* But also an Offence against  
 ‘ the State, which such rightful State may Punish  
 ‘ by State Punishments, as it may all other State  
 ‘ Offences ; and in Ecclesiasticks when they are  
 ‘ Guilty thereof, as in all other Persons ; and a-  
 ‘ mong these Punishments by Deprivation, tho’  
 ‘ not of meer Spiritual Powers, (the State having  
 ‘ no

' no Authority to take those mere Spiritual Powers  
 ' which it never gave,) yet of all that is Temporal  
 ' in Church Ministration, so as that such Refusers  
 ' shall no longer hold Benefices or Preferments,  
 ' or State Endowments; ye and even as to those  
 ' mere Spiritual Powers, it may make them of  
 ' themselves to forbear any further Exercise there-  
 ' of; to keep State Favours and Endowments to  
 ' the Church, when their Deprivation is in a Case  
 ' that concerns only their own Rights and Privi-  
 ' leges; but not the Truth or Cause of Christ, as  
 ' was before observ'd. *Part. 2. p. 28.*

Perhaps the last Lines may admit of a Debate. But the true Sense of them is this.

When such Persons are depriv'd of their Temporalities by the State, if their own Rights and Privileges are only concern'd they should wave them, and not by their Opposition divide the Temporal Endowments from the Church: But they must by no means do this in a Cause in which Christ is concern'd; that is they must not submit to a Lay-deprivation as such, but as acquiescing for Peace and Quietness sake.

This is plainly Mr. *Kettlewell's* Sense. But he does not in the least give way into the Princes Claim to deprive Persons of their meer Spiritualities.

Yet has Mr. *Marshall* made very free with the pious Man; but he is resolv'd to deal the same Measure to all alike who are Men of Worth, and can Answer for themselves only in another World.

XXI. Mr. *Marshall* can never come off clean with giving an Usurper the same Rights over the Church as the Genuine King *de Jure*; unless he invests a King *de Facto* with the same Rights a King *de Jure* can pretend to have.

For if a King *de Jure* has a Right to deprive a Bishop of his Office, who will not give Security  
for



for his Affection and Loyalty to him, what Right can a King *de Facto* have to demand Security of the same Bishop for his adherence to him, and deprive him upon the refusal; is the Bishop liable to be depriv'd for two opposite Imputations, or can a King *de Facto* have any Right to demand the Allegiance of a Bishop against his lawful Sovereign; or can he have a Right to preserve a Government for himself, which he is oblig'd by the Laws of God and Man to resign to another; what contradictory Stuff is this; a King *de Facto*, and Dr. *Higden's* Scheme, must solve all. The Sword must bestow the Supremacy of the Church as well as the State, tho' I never read in Scripture that the Holy Ghost had promis'd to ratify the Acts of an Usurper, and sanctify the Deeds of a Cut-throat.

XXII. Mr. *Marshall* descends next to treat of the Rights of King's *de Facto*, or of those who have no Right at all; for if all Kings, without any Distinction, have a full and undisputed Right to the Thrones they possess, the distinction between a King *de Facto* and *de Jure* is impertinent; because it relates but little to our Question how the Right is deriv'd, provided the Person who claims has a plain and undisputed Right thereto. But however, it is my Opinion, that to say a Man has a Right because he has Possession, is no logical Consequence, nor fair deduction from the Premises, because his Right to that Possession is under dispute; and it is equivalent to saying he has a Right, because he has a Right, or if you please 'tis begging the Question. The Ideas of Right and Possession are so different and independent, that I cannot but wonder some People incorporate them together. Right is a Claim to the Possession of some share of the Goods of Life without Injury to another; in short, Possession is the thing claim'd

claim'd, and Right so claim'd must be previous to the Possession.

Right is either natural or acquir'd ; natural Right is a Claim which the Law of Nature gives ; and acquir'd Right is transferring what you claim by natural Right to another Person, if it is capable of transferring. Thus when the World was wide enough for the Inhabitants, the purchase of your Bow and your Sword was your own ; because whatever you possess without any Claim against you, is yours by the Law of Nature ; and acquir'd Right is transferring such Right to another ; but a Man cannot give what is not his own. Therefore unless a King *de Facto* finds a Kingdom or People *Statu Derelicto*, without any just Claimants thereto, he cannot have by Possession a natural Right to that Throne, neither can he have an acquir'd one, because no Person who had the Right before has transferr'd it to him.

I conclude, Possession alone can give no Right, but it must be either the Law of Nature or an humane Law, which must give a Right to that Possession.

If I was travelling in the Desarts of *Arabia*, I should have a natural Right to my Food if I could find it : But I should have no Right to take it from my fellow Creature, who had before acquir'd the same by a Right as strong as any I could be capable of having my self.

Moreover, Right has as much relation to an Individual, as to an whole Community ; therefore as an Usurper has a Right to a Kingdom acquir'd by Arms, a private Person has an equal Right to the Allegiance of his fellow Creature if he seizes him upon the Road, and reduces his Person to his Subjection.

But Mr. *Marshall* has taken the surest Side ; the Prince in Possession is his darling, without any

regard to the Means by which he acquir'd the same. Thus has he shewn no better regard to the Government, than to put it upon the same Foot with robbing on the High-way, and thinks he does thereby admirable Service; for my part, I think it no great Compliment to my Friend to publish to the World, that he got such an Estate by cheating an Orphan, and by notorious Oppression: That he has got a very fine Horse, but he stole it from a Common: That he lives in a very fine House, but he broke into it. These are gross Compliments, yet upon this Foundation he builds and makes the Application directly to the present Government.

He will maintain that all the Acts made by the *Lancastrian* Usurpation were valid: But then why were some declar'd valid and others void by *Edward IV.* when they were all promulg'd by the same Authority; to this he opposes a Maxim he never understood, *viz. The Confirmation of a void Thing is in it self void*, which taken in his Sence, annuls all positive Laws of Commonwealths, for a Law is a Confirmation of what was in it self void; *i. e.* not obligatory, till the Law has so made it. But why, that which had no Force before may not by the full Legislative Power be declar'd binding, I protest is not in my Power to find. Cannot an Act of Parliament annul their former Ordinances and Decree, that the *Roman* Laws shall for the future be the standing Law of the Kingdom; what Contradiction can this be to any Maxim in Politicks.

XXII. Mr. *Marshall* is mightily in Love with the *Gothick* Government, which I am sure he is very little vers'd with; because I am confident the Parallel will not hold with their Politicks, and our present Establishment. I believe neither the *Goths*, *Vandals*, or *Huns*, had an House of Commons,



Commons, and their Lords carried Packs upon their Backs of stolen Goods, upon which their Trulls and Bastards subsisted. Moreover, it is very unlikely they should insist upon Peerage, and the Rights of Primogeniture, who did not know, and what is worse could not even guess at their own Fathers.

I profess Politicks brought from the frozen Climate of *Scythia*, are in a fair way to melt in a warmer Climate, and seem adapted to a People whose Genius is like theirs, is equally Barbarous and Inhumane. The *Roman* and *Grecian* Commonwealths are no more Patterns for Government. But the *Caspian* Sea has in the Vehicle of some subterranean Stream convey'd a new System of Politicks to us.

In persuance of this he has bastardiz'd on the Mother's Side all the Race of the Plantagenets, *Tudors* and *Stuarts*, as an instance of his good Breeding and Gratitude, even to his present Patrons.

He takes a great deal of Pains to inform the World that *Philippa*, by whom the House of *York* claim'd, was Conceived and Born after her Father the Duke of *Clarence* had left the Land; it is further said, he never own'd his Wife after this.

Here is a formidable Charge drawn up, without any Evidence or one Author, in order to blast the Reputation of a Lady who has been Dead some Ages; her Mother is made an Whore, and her Posterity Bastards, without any further Proof, but only, (it is said;) I do not wonder to find Mr. *Marshall* Guilty of such Conduct, when he cannot even spare those that are scarce Cold in their Graves.

This forward Story made way for *Henry IV.* he insinuates that *Henry IV.* had a Right by Proximity of Blood, if so, why did he claim the Kingdom in the Face of the World, with an open and

notorious Lye, that *Edmund Crouch-Back*, from whom he claims descent, was the eldest Son of *Henry III.* This was a wretched Shift to patch up a broken Title ; the Story of an *Impostor and a spurious Birth* would have been better. If *Mr. Marshall* had liv'd in those Days, how gloriously would he have merited a Bishoprick.

*Harding's* Reflections on *Henry IV's* Conduct will not be unnecessary here to subjoin, as I have taken them from the *Book of Hereditary Right*. p. 85.

“ For as much as many Men have been incured  
 “ and yet stonde in great Errour and Controvar-  
 “ sy, holding Opinion froward, how that *Edmund*  
 “ Erle of *Lancastre, Leicestre and Derby*, was the  
 “ elder Son of *Kyng Henry III. Crouck-backd*,  
 “ unable to have been *Kyng*, for the which *Ed-*  
 “ ward his younger Brother was made *Kyng* by  
 “ his Assent, as some Men have alledg'd, by an  
 “ Unfrew Chronicle feynd in the Time of *Kyng*  
 “ *Richard II.* by *John of Gaunt Duke of Lancastre*,  
 “ to make *Henry* his Son *Kyng*, when he saw he  
 “ might not be chose Heire Apparent to *Kyng*  
 “ *Richard*.

*Sir John Heyward* also observes, that this *Edmund* was not deform'd, but a goodly Gentleman and valiant Commander. See *Life of Henry IV.* p. 98.

XXIII. *Mr. Marshall* falsely quotes *Puffendorfe* to prove, that the Statutes have a Right to decide controverted Successions, whereas *Puffendorfe* states the Question a quite different Way ; He supposes the Pretensions of the two contending Parties to be so equal, that it is very difficult to distinguish who has the Right ; and in that Case he is so far from insisting on the Rights of the State ; that he dissolves the People into a State of Nature. *In Naturali Libertati nullius Jurisdictioni Subjecti degunt*

They are in the same Condition, as when the whole Race of Hereditary Pretenders are extinct.

More

Moreover, if Mr. *Marshall* had but perus'd the Scope of their Reasoning, he would have found it utterly destructive to his Hypotheses, they argue for the People's Incapacity of being Judges, *quia omnem jurisdictionem à se ad Regem & Regiam familiam transtulit*, See *Grot. l. 2. c. 7. p. 27.* which is an evident disowning the Power of the State.

XXIV. Mr. *Marshall* p. 64. &c. endeavours to prove that *Oliver Cromwell* was not a Rebel against King *Charles*, but against the States. The Scope of Argument turns upon this Hinge: That if he had not usurp'd upon the House of Lords and Commons, he had been a King *de Jure*, a Rightful King, and upon the same Level with the present Government. This is the plain Consequence of his Words, and I directly charge them upon him; for if to take off the Parallel, he makes no other Difference but the Usurping upon the States, if that it had been taken away, the Application is his own, and obvious to any common Reader's Capacity.

XXV. Mr. *Marshall* is very unjust to the Author of Hereditary Right, and represents him as pleading to subvert the Rights of the *Stuarts*, which I am very confident his Soul abhorr'd; nay, it is so far from being true, that he argues in Defence of King *James I's* Right with all possible strenuousness, he urges that Monarch as an Instance, p. 85. "That  
" no Act of Limitation cou'd ever effectually ex-  
" clude the next Heir by *Proximity of Blood*, but soon-  
" er or later Providence has hitherto so order'd it,  
" that those who were first in the Line of Descent  
" have at length gain'd the Crown, notwithstand-  
" ing all Parliamentary Provisions to the contrary.

I must observe, that no Prince by a Parliamentary Entail can bind his Successor; if therefore Queen *Elizabeth* declar'd King *James I.* her Successor, the Entail of *Henry VIII.* was intirely cut off,



off, and King *James* mounted the Throne with the most indisputable Right by which a Sovereign cou'd claim.

But to prove this the Author takes all possible Pains ; he tells you, that Queen *Elizabeth* gave the solemnest Assurances she wou'd not wrong the Scottish Family, thro' the whole Course of her Reign, and he was look'd upon by all Parties as the Person whom the Queen justly and heartily favour'd accordingly ; he tells us from *Cambden* and *Spotswood*, that she declar'd him upon her Death-bed her Successor.

*Cambden* expressly says, she declar'd it in these Words, when they ask'd her to name her Successor, My Throne is the Throne of Kings, and no Scoundrel shall succeed me : When they ask'd her farther what she meant, she added, None but a King shall succeed me, and who shou'd that be but my nearest Kinsman the King of Scots. See *Cambden's Elizabeth ap. Fin.*

The whole Series of this Relation is a continu'd Declaration that *James* shou'd be her Successor, and is sufficient to set aside *Henry VIII's* Will, and as such it was universally receiv'd ; the *Suffolk* Family have not to this Day put up any Pretensions, nor has one Person since *Hale* pretended to insist upon their Right, therefore Mr. *Marshall* has acted according to his usual Sincerity, he has given the Author of Hereditary Right a greater Wound than he ever receiv'd before, by a false, scandalous and injurious Insinuation contrary to the whole Scope and Tenour of his Book, which is to vindicate Proximity of Blood, and to shew that the nearest a-kin to a Throne are ever under the Protection of Heaven and the peculiar Care of Providence.

For asserting contrary to what Mr. *Marshall* wou'd father upon this Gentleman, the Information

mation was laid and a Prosecution followed thereupon, which all the World knows.

With what Face, what Assurance then can he charge such a notorious Falshood upon the Man who never injur'd him? Is this the Spirit of Christianity? Does this notorious Scandal become the Mouth of one who pretends to preach the Gospel of Peace? Can any one for the future believe the Scandals he flings upon Men of Learning, supported only by such wretched mercenary Evidence.

I shall conclude this Topick with only one Observation, if he objects that no Will of Queen *Elizabeth* appears that constituted *James* her Heir, let him know that Stamps and Formalities are unnecessary in such a Case; her Pleasure signifying who shou'd be her Successor was a sufficient Declaration of her Heir; Sovereigns are not tyed down to the Rules of *Doctors-Commons*.

XXV. Mr. *Marshall* is pleas'd notoriously to scandalize Dr. *Hickes*, he spares neither the Living or the Dead, they all meet with the same measure from his partial Hand; he charges Dr. *Hickes* with saying in the Preface to his *Jovian*, that Revelation from God is necessary to alienate the Crown from that or any other Family, which Mr. *Marshall* triumphs over, and wonders that a Man of his Sense and Learning shou'd ever arrive to such an absurd way of Reasoning. But if after all, this shou'd be only a Calumny rais'd upon his Friend in his Grave, and a base trampling and insulting upon his Urn, what Punishment does such Treachery, such Ingratitude deserve! But that Mr. *Marshall* is guilty of these Crimes will be obvious to any Man by consulting the Preface to *Jovian* from whence this Falshood is stole.

“ A Third Reason against the Bill of Exclusion  
“ is taken from the Author of this Hereditary  
“ Suc-

“ Succession to the Crown which is God alone,  
 “ who hath given it to the Royal Family for a  
 “ perpetual Inheritance, and hath by his Provi-  
 “ dence ordained that it shou’d come to one of  
 “ them after the Decease of another, according  
 “ to Birthright and Proximity of Blood.

“ From this Principle many good Men who  
 “ are as wise and as learned as any of the Ex-  
 “ cluders infer this Conclusion, that it wou’d be  
 “ Usurpation without a manifest Revelation from  
 “ God to alienate the Crown from this Family  
 “ to which he only hath given it, &c.

Dr. *Hickes* does not insist upon this Argument, he only gives it fair Quarter, its full Scope, and so leaves it without determining on one side or another, yet is this charg’d upon him by this young presumptuous Author with all the Assurance imaginable.

XXVI. Mr. *Marshall* seems to have as particular a Spite at the House of *York*, as Dr. *Kennet* professes against King *Richard II.* King *Edward IV.* (he says) was the first of our Monarchs who insisted upon his Hereditary Title as superior to all other Titles, I suppose he meant since the Conquest, and to that I shall confine him.

I wou’d ask what Title *Robert Duke of Normandy* pretended to when he invaded *England* in opposition to *William Rufus*, but the Right of Inheritance, and did he not renew the same Claim against *Henry II.* what Title cou’d the Empress *Maud* pretend to but an Hereditary one.

But if we examine Mr. *Marshall*’s Complication of Titles he flings upon *Henry VII.* we shall find ’em imaginary Titles.

1. As to highest Succession ’tis the most false Assertion that ever appear’d in the World. The Daughter and Nephew of *Edward IV.* were before him, and tho’ he married the Daughter and

mur-



murder'd the Nephew, his Title was not render'd better.

For he as much usurp'd the Throne to the Prejudice of Wife, as his Ancestors had done before to the Injury of the Family of *York*; and her Issue after her Death were detain'd by the Father from their Right; he assum'd after the Battle of *Bosworth-field* the Title of K. of *England* and without any previous Ceremony, he caus'd himself to be recogniz'd King and solemnly crown'd, and call'd a Parliament before he married the Princess, and even then made her but a sour Husband like a surly Rebel as he was; so that the Proximity of Blood did not take place till *Henry VIII.* took Possession of the Throne.

Indeed if *Henry VII.* had behav'd himself like a Gentleman of Honour, he would have thought it a sufficient Reward of his toil to have deliver'd the Lady from the Claws of a vile Tyrant, and left the Crown and her Person to her own Disposal to whom they more properly belong'd.

The next Bar to his Proximity of Blood was the Earl of *Warwick*, Son to the Duke of *Clarence* and Nephew to *Edward IV.* who, poor unhappy Prince remember'd no other Prospect but thro' the Grates of a Prison, and was at last barbarously murder'd, only because he was born.

2<sup>ly</sup>, As to Conquest he never claim'd any Title by virtue of the Sword, he came into the Throne as the Heir to *Henry VI.* without regard to any Vacancy from the Time of that unhappy King's Deposition.

3<sup>ly</sup>, He cou'd not be said to come in by Election of the States, because he was actually Crown'd King before a Parliament met, and even then they came by his Authority; to say they elected him is the same as that the Clay shou'd form the Potter. They were his Creatures, sublisted by  
P his

his Breath, and vanish'd at a Frown, and yet they must by a strange Fondness of Opinion be look'd upon as his Electors.

P. 78. Mr. *Marshall* seems to hint at the famous Statute for indemnifying those who fought for a King *de Faëto*, but the best Explanation to this is the Act of the Attainder of *Richard III.* Duke of *Norfolk*, Earl of *Surry*, Viscount *Lovell*, Lord *Ferrers*, Lord *Zouch*, *Richard Ratcliffe* and others, who were adjudg'd Traitors, notwithstanding one was a King *de Faëto* and the rest adher'd to him.

Mr. *Marshall* is mistaken as to his Instances of *Maximine*, and *Licinius*, upon whose Overthrow by *Constantine*, *Eusebius* exults.

For 'tis false in the first Place that *Constantine* was engag'd against *Maximin*; who was overthrown by *Licinius*.

Moreover, *Maximin* was no better than an Usurper upon *Licinius*, and therefore the Christians might without Crime rejoice at his Misfortune.

I wou'd have Mr. *Marshall* know that these Instances will by no means serve his Turn, those Emperors parted the Roman Empire by Contract, they were not so independent of each other, but they might correct the other for Oppression and laying waste the Empire. Thus was the Roman State reduc'd to the Government of those *Cesars* by Union of the Persons who kept it in their Hands, but upon *Licinius* breaking his Contract and persecuting the Christians, *Constantine* overcame him by Force of Arms, and reduc'd him to the Condition of a Subject, and upon a Second Attempt to rise, the Emperor took care he shou'd be dispatch'd.

The Christians without the Imputation of Rebellion might Return Thanks to God for being deliver'd from the Tyranny of *Licinius*.

Sup-

Suppose the King of *Spain* and *Charles III.* had entered into a League to govern *Spain* jointly, and at the same time had agreed that whoever shou'd infringe the Liberties of the People in their particular Districts, shou'd be reduc'd by Arms, it wou'd have been no Rebellion in the People to join with *Philip* to oppose *Charles* if he had been the Invader.

*Mr. Marshall* has misrepresented *Puffendorff* and *Grotius*, and has quite elop'd from their Meaning, as to their condemning any private Persons taking up Arms against an unjust Possessor of the Sovereign Dignity, they both lay down as a Foundation of their Hypotheses, that the Right of the dispossessed King cannot be extinguish'd, and that they may submit to the Usurper, not upon the account of any Right he can claim thereto, but out of Prospect of Convenience, and in such a manner as the injur'd King wou'd wish you to do.

But, says he, private Persons by their own Authority, and without the Authority of a King *de Jure* ought not to rise and depose the Usurper.

*Mr. Marshall* to no purpose spends his Breath in recounting the various Revolutions amongst the Saxon Monarchs; every body well knows Rebellion wants no Precedents; it has been usher'd in first by the Devil and his fallen Angels: If *Mr. Marshall* had a Fancy to have Recourse to Antiquity, that Instance wou'd have been the most Antient he cou'd have found. He had no occasion to grub amongst the Saxons, History is very fertile in these Relations in all Ages of the World.

But *Mr. Marshall* shou'd have enclairecis'd upon these States, he shou'd have inform'd us of their Original, what they were, and how they were call'd, in one Place he brings them along with the Goths, but here he makes them depose *Vortigern* a British King.



But however Mr. Marshall took the Story upon Trust, as well known as the Story seems to be, Henry Huntingdon contradicts it; he was indeed excommunicated for Incest, and is reported to have fled for shame to the Deserts, and there to have perish'd. I conclude that there was no more in the Story, but that his Noblemen, out of Detestation of his enormous Villanies, refus'd to fight under him, upon which he retir'd and dy'd in Obscurity, and his Son took the Command upon him: But what is this to a formal Deposition by a State; all that Matthew Westminster says is, *Magnates Britanniae Regem Vortigernum penitus desertentes, unanimiter Vortimerum filium suum in Regem sublimaverunt.*

I think it is nothing to the Argument, whether the Fact be so or not; I only mention this by way of Enclaircissement upon Mr. Marshall's second-hand Evidence.

Mr. Marshall is utterly out of the way to say, the Conqueror was accepted upon Condition of preserving the Legal Rights of the Nation, for he overturn'd the whole Course of the Laws, seis'd upon the best Estates in the Kingdom, and new modell'd our English Constitution. All the Account Matthew (g) Westminster gives of the imaginary Contract is, that upon his Approach to London he made the Nobility do Homage and give Hostages, and confirm'd himself in the Kingdom by Terror.

He also divided the Lands amongst his Crea-

---

(g) Deinde homagiis à Magnatibus cum juramento fidelitatis obsidibusq; receptis, in regno confirmatus omnibus qui ad Regnum aspiraverunt factus est terrori. *Mat. Westm. an. 1057.* Terras Anglorum & possessiones ipsis expulsis Successive manu distribuit affluentem & modicum illud quod de iis remanserat; factus jam de rege Tyrannus. Sub juga detrusit, perpetua servitutis.

tures, instead of being a King he was a Tyrant, and involv'd the People in a *State of perpetual Slavery*.

Mr. *Marshall* is pleas'd manifestly to contradict himself ; p. 137. he tells us, " That we are in  
" vain sent back to the Three first Centuries, be-  
" cause the State did then no otherwise meddle  
" with the Church, than with design of depres-  
" sing and ruining her, and wou'd have depriv'd  
" no Bishop for any other reason than what have  
" hinder'd any Successor ; for doing the proper  
" Office of a Bishop, so that if the Church wou'd  
" preserve her self from Ruin (from which she  
" hath as much Right as the State hath) she cou'd  
" not submit to any such Deprivations.

" Yet Page 34. he extends the Regale of the  
" Heathen Emperors till he makes it break ; he  
" tells us if a Primitive Bishop had refus'd to pray  
" for an Emperor *de Facto*, and if a Complaint  
" made against him to his Collegues, if they should  
" have declin'd or denied doing Justice to such  
" an Emperor, he might by his own Authority  
" have done whatever he should have found ne-  
" cessary for the Security of his own Govern-  
" ment.

How these two Pages can be reconcil'd, I leave to the impartial Reader to consider.

Mr. *Marshall* Page 116. is mistaken in saying when the *Roman* Empire flourish'd, all the Professors of the Gospel made one National Church, because the Gospel was carried into *Ethiopia* where the *Romans* Arms never could penetrate.

He says our Church hath little or no Concern with other Churches ; but I look upon this to be a poor Shift. I thought Mr. *Marshall* was disputing of firm and lasting Principles upon which Christianity was built ; but he enlarges upon a casual Circumstance, which may hit one Age and  
not

not another ; if *England* has little or no Concern at this Time with other Churches, we cannot tell what an alteration of Religion may happen in *Europe* before the space of an Hundred Years. The little Whore Church of *Geneva* may forsake her Ways, turn Honest, and be Orthodox, when she grows Older ; and I do not despair to see the *Dutch* Religion refin'd into Christianity, and *Myn-beer* may in Time have as good Notions of Religion as of Trade ; I am confirm'd more in this Opinion, when I consider the Lustre Christianity receives every Day from dignified Men, holy Pride and sanctified Luxury.

Mr. *Marshall* is mistaken as to Fact, to say that Bishop *Merks* was depriv'd by the Pope for not submitting to *Henry IV.* because the Pope did not deprive him or do him any Injury ; but translated him to save his own Honour, when the Temporalities of *Carlisle* were taken away. If Mr. *Marshall* had but read Dr. *Kennet*, or will but read the Book to which this Appendix belongs, he will find that Bishop *Merks* was us'd tenderly by the Pope, and *Henry IV.* complains of the Translation as Partiality in the Pope, who ought to have depriv'd the Bishop.

Comparisons are odious, but Mr. *Marshall* loves to dwell upon them, and seems very fond of drawing a Parallel between the Revolution of *Richard II.* and that in King *Jame's* Time, in which he does but very little Service to the Cause he pretends to defend. The first was an abominable wicked Revolution, a near Kinsman of that unhappy Monarch, in the midst of a profound Peace landed in his Kingdom, and vacated the Throne ; which unhappy attempt lost the Nation her richest Blood and best Treasure, besides the Disgrace she fell into with her Neighbors : What then can Mr. *Marshall* propose by such a Parallel, but to cast a Slur upon his Friends.

Mr.



Mr. *Marshall* seems to have no Notion of Heresy; as Men that are Drunk have the least Notion of Drunkenness of any in the Company; he says a Man can't be an Heretick till his Errors are condemn'd in a General Council; I would ask if there were no Hereticks before the Council of *Nice*: But however, I would know upon what Foundation we separate from the Church of *Rome*, do we not look upon her as Heretical, not only in one Article but in several; particularly, is she not Heretical in her asserting the Corporal Presence of Christ in the Eucharist; but by what Council was this ever condemn'd. In short, Heresy in its own Nature, without any previous Declaration of a Council, as much Heresy, as Felony is or will be Felony in *foro Conscientiæ*, if it was never so declar'd by the Common and Statute of the Kingdom; if I had Time I could prove to Mr. *Marshall* that the Doctrine of the Dependancy of the Church upon the State is a Heresy, as Wicked and as Detestable in its Consequences, as *Arianism* or *Socinianism*.

Mr. *Marshall* with too much Freedom wrests *Tertullian* to a wrong Sense, and has translated him worse; says he, "*Tertullian* hath told us the Christians constantly pray'd for all Principalities and Powers; with such Freedom does he Translate *pro omnibus imperatoribus*."

But he will have *Tertullian* include Emperors *de Facto*, tho' he meanly begs the Question instead of proving it; nevertheless this is only beating the Air, because he cannot produce in the whole Course of the *Roman* Emperors Reign one Instance of a banish'd Emperor *de Jure*, while an Emperor *de Facto* fill'd the Throne. Dr. *Hickes* in his *Jovian* has prov'd that Government to have been no better than an enslav'd Commonwealth; therefore *Severus's* Title when acknowledg'd by the Senate

was

was firm and good. Moreover *Severus*, upon whose Title he seems to dwell, came as fair to the Empire as any Prince before or after him in that Empire had done; he march'd to *Rome* to revenge the Murther of his Sovereign *Pertinax*, to whom he had sworn Allegiance, as *Dr. Hickes* observes in his *Jovian* p. 27. and to depose the Usurper *Julianus*, who scandalously bought the Empire of the World at a publick Auction; as there were no Claimants Alive, *Severus* very well deserv'd of the Senate to be declar'd Emperor for his Pains. Yet this is the *Roman* Emperor with whose Title *Mr. Marshall* insults. But till he can make our Government a Parallel with that of the *Roman* Empire, his Labours are in vain and his Application absurd.

*Mr. Marshall* p. 185. Misrepresents the State of *Maximus*; he gives you to understand that *Maximus* was a damnable Tyrant, and deserv'd not to be pray'd for: But why; because he only push'd at the Empire and was Unfortunate.

But even this is absolutely false; all the Historians of those Times, as *Socrates* and *Theodoret* do unanimously agree, that he usurp'd the whole Empire of the West, murder'd *Gratian*, and made the surviving Emperor *Valentinian* take him into the Partnership of the Empire, and he was fully recogniz'd as any Emperor that ever usurp'd the *Roman Purple*.

By this Time the Reader may have a View of *Mr. Marshall's* Sincerity, and he will come the better manag'd to read his Scandals of particular Persons.

If in future Ages *Mr. Marshall's* Book should escape the just Judgment it deserves, of being condemn'd to the *Pastry-cooks* and *Grocers*, I imagine some industrious Chronologist would make this Observation.

The

" The Learned Dr. *Hickes* could not flourish in the Seventeenth Century, as is commonly given out by Authors, but in the Eighteenth ; for in a Book which fell into my Hands printed the Year 1717. and wrote by *Marshall*, by some Passages I find Dr. *Hickes* could be only a Boy, or at most a young Man of no great Note ; as is plain from the contemptuous Stile which *Marshall* uses towards him. But then I was puzzled at one Passage p. 149. the Doctor is said to grow more Rigorous with Age ; but upon Consideration of the Doctor's Character, I rejected this as an Interpolation ; I am apt to think this *Marshall* had instructed Dr. *Hickes* in his Youth, by the Air and Liberty he gives himself in his way of Writing. I am sure this is a plain and natural Inference from Mr. *Marshall's* way of Writing, which is very offensive to a modest Man, because nothing more uncomely than to see Youth trample upon grey Hairs and venerable old Age.

No greater Reflection can be cast upon that great Man, than to insinuate he talked and believed contrary to his Practice ; if he was an honest Man he could not be less harsh in his Opinion than he was in that Book ; if he thought he could with a safe Conscience join in your Worship, how wicked must he be to widen a Breach which could be clos'd, and to make himself *author* *obis/matis*, the Ring-leader of an horrid Schism.

If it was indifferent in his Opinion which Communion he join'd with, then 'tis indifferent how many Rents, Wounds and Scars the Church of Christ has ; 'tis her peculiar Beauty to be divested of Charity, and to have as many independant communions as She has Members : Thus every Man may be a Church to himself.

In short, Dr. *Hickes* must be either Rigorous to you or to himself, every softning Word he could

Q

give



give of your suppos'd Schism was giving a mortal Stab to his own Fame.

I must tell Mr. *Marshall* 'tis not a fair Question, nor honestly stated, whether Dr. *Hickes* was the Author of the Book under his Name, because only one Side at this Time can speak to that Question.

Mr. *Marshall* p. 155. falls with his usual Fury, and ill Manners, upon the pious and reverend Archbishop *Sancroft*; he prepares the Reader with a Commission the Archbishop gave sometime after the Throne was fill'd up, after King *James's* Exile, to the Bishop of *London* and others therein nam'd, for consecrating Bishops and Pastors for any Churches as there should be wanting to be fill'd.

I cannot see that the Archbishop acted inconsistently in this Commission, his seeming to acquiesce in the Prince of *Oranges* making use of the Regale was justifiable, provided he look'd upon him as an Usurper: Because it did not imply an Acknowledgment of the Prince of *Oranges* Title, but only a tacit Concordate made to let him enjoy the Privilege of nominating to Sees, provided he offer'd no Injury to the Rights of the Church. 'Tis no necessary Consequence that the Church should be overturn'd with the State; and thus the Church kept fair with *Maximus* and St. *Martin* altho' he was a Man of Piety detested the Tyrant in his Heart, yet kept up a civil Correspondence with him.

So Archbishop *Sancroft* (without making any odious Comparisons) if Prayers had not been forc'd into Churches which he could not comply with, and if no State Deprivation had follow'd, in all probability he would have acquiesced with having even Dr. *Burnet* impos'd upon the Church if it would have prevented the Schism which

which afterwards most lamentably laid waste the Beauty of our *Sion*, the Joy of the whole Earth.

Thus much for Archbishop *Sancroft's* Commission, which was not given to be turn'd against himself, nor had he the Lay-deprivations in his Eye.

I shall find occasion to conclude these my Observations with some Reflections upon Mr. *Marshall's* Freedom, in blasting the Characters of the best good Men, that ever were an Honour to their Country, in the midst of a perverse and crooked Generation.

He would perswade us, that the depriv'd Bishops never enter'd any Claims of Right; never demanded the continuance of their Clergies or Peoples Obedience; never notified to one or to the other, that they took themselves to be invalidly depriv'd, or expected any further adherence of either to them.

Previously to my answering these Objections, I shall ask Mr. *Marshall* one Question.

If they had done all this, would Mr. *Marshall* then make any Concessions in their Favour; till he explains upon that Subject, I cannot see to what Purpose he raises these Objections. But however they are False as to Fact.

1<sup>st</sup>, As to their entering Claims of Right, they gave all possible Demonstrations of not acquiescing in the Deprivation; Archbishop *Sancroft* staid in the Palace of *Lambeth* till the *Posse Comitatus* pull'd him out by the Ears; and the Bishop of *Ely* as I am inform'd, was serv'd the same by a Troop of Horse. This surely was in effect a Claim, because if they would not acknowledge the depriving Right, they consequently must look upon themselves to be Bishops still. But their Non-submission to the depriving Act, and their Submission to the Troopers, was sure disowning the Right and confessing the Power.

2dly, As to their never demanding the continuance of their Clergies, or the Peoples Obedience, their constant Conduct was one continued Claim thereto; those Presbyters who had not taken the Oaths repair'd to them and paid them Canonical Obedience as before; as for those that had taken the Oaths, their Disobedience had cut them off from a dependance upon them, and therefore the Claim was sufficiently promulg'd to answer the Ends thereof.

Moreover this separate Communion, their confirming and ordaining, were all so many Acts of Claim.

Mr. *Marshall* is pleas'd to say p. 161. the Depriv'd Bishops communicated till 1694. in the most solemn Parts of Christian Worship in the publick Churches, which is an absolute Falshood as by a following relation will appear.

Mr. *Marshall* tells a Story of the Bishop of *Ely*, which looks like a very improbable Relation, and I shall confront it with an opposite one, which I believe is better attested, and the Witneses are still living.

If the Bishop of *Ely* administred the Communion to a Gentlewoman, who was thought to be upon her Death-bed, and told her she was safe in that Communion, which was oppos'd to his, how can this be consistent with his refusing to let even a Lady whom he look'd upon to be a Schismatick stand as God-mother to an Infant he baptiz'd. This I leave to the World to descant upon.

The Story halts in the telling, she and her Family had a long Friendship with him, yet she knew not with any certainty of what Religion he was, and whether he went to Church or not, tho' he confirm'd Numbers publicly in the Face of the World. *If the Story is true it is ill told.*

Mr. *Marshall* p. 162. is pleas'd to rake up the Ashes of a venerable Metropolitan and glorious Confessor, to charge upon him manifest Falshoods.

The whole of Truth, or that looks like Truth in the relation, is that his swearing Chaplains did Communicate with him, and so for ought I know they would with any Body else. But it does not follow that he communicated with them; 'tis more than probable, they only staid as Spies, and it was his Principle to exclude none from Prayers. But that he would have accepted their Service is as false as the rest of Mr. *Marshall's* Bundle, and is evidently contrary to the whole Series of his Conduct, as I shall hereafter prove.

If Mr. *Marshall* ever read a Letter out of *Suffolk* to a Friend in *London*, written by a learned and reverend Divine now with God, he will find there an Extract of a Letter dictated from the Archbishop's own Mouth, dated November 18. 1693. which runs thus, "My Lord is sensib  
6<sup>th</sup> pl



“ ble of how great a Concernment it is who Ministers to  
 “ him in holy Things, we have very few Nonjurors here-  
 “ abouts; Mr. W. hath been with us once and visited my  
 “ Lord very solemnly, and it happened to be at a Time  
 “ when there were many Swearers and Non-swearers in the  
 “ Room; he gave me the Absolution of the Church, and  
 “ not long after, the holy Sacrament: He comes often  
 “ hither, and when it is seasonable performs the holy Of-  
 “ fices. At other Times Mr. S. who perfectly understands  
 “ the Liturgy, useth as many of the Prayers as it is fit for  
 “ him to do; and we heartily implore God’s Mercy for  
 “ the Pardon of our Defects and Indecencies in the Perfor-  
 “ mance of his holy Service, and hope that we are accep-  
 “ ted. My Lord never receiveth the Sacrament but with  
 “ those that come not at the Parish and are Nonjurors.  
 “ He never admits any of the irregular Clergy to be at the  
 “ holy Offices; as for the rest if they come when he goes  
 “ to Prayers he excludes them not. This hath been his  
 “ Course.

*This my Lord dictated to me from his own Mouth; you see how ready his Apprehensions and Judgments are.*

This Letter is sufficient to clear that Point in Dispute, and shall only observe that he took particular Care a Nonjuror should perform the last Office of the Burial of the Dead.

If he had any Opinion of your Communion, he did not behave himself in one Respect suitable to the other bright Parts of his Character, never to be induced in his whole Retirement to stir once to the publick Church; if you want to be certain of the Truth of this, you may know it from the Mouth of the Priest of that Parish, who liv’d in a good Correspondence with the reverend Prelate, and has oftentimes had his Prayers for his Conversion.

The Archbishop was so far from being an Admirer of the Church, that he never came into it alive or dead, but lies now expos’d to Storms and Tempests as he was in his Life.

I shall add one Relation more, and so conclude this matter.

Five Persons, most of whom are now alive, repair’d to Archbishop *Sancroft* to ask his Opinion of their resorting to the Publick Prayers; he told them there ought to be an Absolution at the End of the Prayers as well as at the Beginning, to clear them from the Sin they had contracted in joining in unjust Petitions.

This is sufficient to clear the Reverend Prelate, and to curb Mr. *Marshall*’s Forwardness in asserting that no publick Separation occur’d till the Year 1694. whereas this Arch-  
 bishop

bishop died in 1693. and his Conduct, I hope, by this time is pretty obvious.

The World may reasonably expect a Parallel between Dr. Kennet and Mr. Marshall, the Book and the Appendix sufficiently answer that Demand; however, I shall comply to make some few Observations upon their Conduct.

Dr. Kennet set out young in the World with full Resolutions to make his Fortunes in King James's Reign, and he accordingly courted Popery, and was just upon the Point of complimenting his Religion away to please that Monarch, till he receiv'd Advice of the Prince of Orange's Preparations.

Mr. Marshall was courting, the Rising-Sun peeping from behind a Cloud, he made his constant Application to the Friends of a certain Gentleman, gave very good Assurances that he wou'd come into all their Measures, till General Wills beat him out of all his good Resolutions at once.

Dr. Kennet at that time was convinc'd in his Conscience that King James's Cause grew more wicked every day, and was arriv'd to an enormous Height of Impiety after the Battle of La Hogue.

Mr. Marshall has entertain'd the same Sentiments of Jacobitism since the Surrender of Preston; he cou'd find no damnable Schism nor horrid Separation before.

Dr. Kennet is sold to work Wickedness, to make Ambition his Aim, Riches his Enjoyment, and the Service of God his Property.

Mr. Marshall is drawing the same rough Lines upon his Soul, he is young, and I wish he wou'd take care not to finish the Draught, such a Man, tho' flatter'd while he lives, will be curs'd when he is dead, and this will be the Reward of an whole labour'd System of Mischief and Impiety form'd in his dark Breast while he liv'd in the World.

## Num. 2.

**D**ominus Rex mandavit Breve suum sub privato sigillo suo Willielmo Archiep. Ebor. Angl. Primate, qd idem Archiep. cum omni ea celeritate qua poterit veniret coram eo aliquibus certis de causis, virtute cuius mandati idem Archiep. venit coram ipso Dno Rege & Consilio suo apud Woodstoke die Lune pt. & Paschæ anno RRs. nunc quarto; & unde idem Archiep. per Consilium Dni Regis in præsentia ipsius fuit allocutus de eo qd datum fuit Dno Regi intelligi, qd quidam Willielmus de Kingscleere venit eidem Archiepiscopo ei nunciando & assertive affirmando quod Dominus E. quondam Rex Angliæ Pater Domini Regis nunc fuit superstes & in plena vita in Prisons Castri de Corff petendo ab eo si ad ejus deliberationem aliquid vellet præstare adiutorium seu consilium ad quod idem Archiepiscopus respondisse debuit quod omnia bona & catalla sua præterquam unum vestimentum & unum Calicem Venditioni exponeret & pro deliberatione sua habenda libenter expenderet. Et quod idem Archiepiscopus misit prædium Willielmum ad quandam Donenaldum de Marr in Scotiam pro Consilio & Auxilio suo habendo ad prædictam deliberationem faciend. conferendo ei pro expensis suis, & quod idem Donenald. respondisse debuit quod si ipse per ipsum Archiepiscopum præmunitus fuisset, veniret in Angliam cum milibus hostium in auxilium ipsius Archiepiscopi ad deliberationem prædictam faciendam; unde quæsitum fuit ab eo in præsentia Regis qualiter se vellet inde acquietare, ad quod idem Archiepiscopus dixit quod ex quo Dominus Rex in Demonstratione & Querela sua non assignavit Diem, Locum neque Annum ubi prædictus Willielmus de Kingscleere talia Colloquia secum habuisse debuit, non intendit quod



quod Dominus Rex velit ad talem Demonstrationem respondere; sed pro Reverentia Domini Regis dixit ulterius, quod paratus fuit inde se acquietare sicut Cur. Regis consideravit per quod datus fuit ei dies hic coram Justiciariis apud Bannebury ad quem diem venit, & Attorn. Regis Johannes Lyncolne ei imponit ut permittitur addendo ultra, quod si tanta multitudo hostium alienigenarum Potentia armata veniret in Anglia in terrorem populi de regno, multum redderet & redundaret in dedecus Domini Regis & Coronæ suæ, & populi sui destructionem & depauperationem Regis centum mill. Librar. & quæsit qualiter se vellet inde acquietare Die quod ipse in nullo est culpabilis de his quæ sibi per Dominum Regem imponuntur, & hoc paratus est verificare per Patriam, ideo ven. Jur. &c.

Postea Dominus Rex misit Breve suum quod reputat ipsum Archiepiscopum & Episcopum London. immunes de adhæsiōe Edwardo comit. Canc. & ideo omnino supersedeant, &c. Consil. placitum contra Stephanum Episcopum London. qui per dictum Breve adjudicatur sine die Rot. 52. eodem Rotul. Breve Rs de consimili deliberatione Abbat. de Langdon cui imponebatur quod adhæsit Dto Com. Canc. in Rex Ro. 19 patet quod Edwardus de Woodstocke fuit Comes Canc.



F I N I S.

